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Printing Schedule for Agencies

Issue Number	*Submission deadline for Executive Orders, Adopted Rules and **Proposed Rules	*Submission deadline for State Contract Notices and other **Official Notices	Issue Date
SCHEDULE FOR VOLUME 7			
27	Monday Dec 20	Monday Dec 27	Monday Jan 3
28	Monday Dec 27	Monday Jan 3	Monday Jan 10
29	Monday Jan 3	Monday Jan 10	Monday Jan 17
30	Monday Jan 10	Monday Jan 17	Monday Jan 24

*Deadline extensions may be possible at the editor's discretion; however, none will be made beyond the second Wednesday (12 calendar days) preceding the issue date for rules, proposed rules and executive orders, or beyond the Wednesday (5 calendar days) preceding the issue date for official notices. Requests for deadline extensions should be made only in valid emergency situations.

**Notices of public hearings on proposed rules and notices of intent to adopt rules without a public hearing are published in the Proposed Rules section and must be submitted two weeks prior to the issue date.

Instructions for submission of documents may be obtained from the Office of the State Register, 506 Rice Street, St. Paul, Minnesota 55103, (612) 296-0930.

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The *State Register* is the official publication of the State of Minnesota, containing executive orders of the governor, proposed and adopted rules of state agencies, and official notices to the public. Judicial notice shall be taken of material published in the *State Register*.

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CONTENTS

MCAR AMENDMENTS AND ADDITIONS

Cumulative listing for Issues 1-26 972

PROPOSED RULES

Agriculture Department

Marketing and International Trade Division

Proposed Rules Governing Agricultural Research and Promotion Councils and the Administration of Promotional Orders (3 MCAR §§ 1.0700-1.0706) [notice of intent to adopt rules without a public hearing] 976

Energy, Planning and Development Department

Energy Division

Proposed Rules Governing the Home Energy Disclosure Program and the Mandatory Energy Efficiency Standards for Residential Rental Units [notice of intent to amend rules without a public hearing] 984

Public Welfare Department

Income Maintenance Bureau

Proposed Repeal of Rule 53, Medical Assistance [notice of intent to repeal a rule without a public hearing] 986

Public Welfare Department

Social Services Division

Proposed Rule Governing a State Goal for the Number of Children in Foster Care [notice of intent to adopt a rule without a public hearing] 987

ADOPTED RULES

Board of Animal Health

Adopted Rule Governing Official Identification Tags and Brands 988
Adopted Amendments of Rules Governing Control of Mycoplasma in Poultry and Salmonella Typhi-Murium Disease in Turkeys 988
Adopted Amendment of Rule Governing Control of Bovine Paratuberculosis in Minnesota 988

Employee Relations Department

Adopted Rules Regarding the State Personnel System 989

Natural Resources Department

Commissioner's Order No. 2135: Regulations for the Taking of Turkeys during 1983 990

SUPREME COURT

Decisions Filed Friday, December 17, 1982

82-772 Delbert Richardson, petitioner, Appellant, v. State of Minnesota, Hennepin County 993
82-891 Thomas E. Sabo, petitioner, Appellant, v. State of Minnesota, Hennepin County 993
82-1047 John Glen Troyer, petitioner, Appellant, v. State of Minnesota, Stearns County 993
82-1075 Danue Ervin Knight, petitioner, Appellant, v. State of Minnesota, Ramsey County 993
82-1291 Paul Bonin, Appellant, v. State of Minnesota, Washington County 994
82-794 State of Minnesota v. Kenneth Octavius Wallace, Appellant, Ramsey County 994
81-1124 State of Minnesota v. John Eugene Liljedahl, Appellant, Ramsey County 994
82-578 Classia Dunn, widow of Jackie T. Dunn, deceased employee, Relator, v. Vic Manufacturing Company and Argonaut Insurance Company, Vic Manufacturing Company and Associated Indemnity Company, Vic Manufacturing Company and Liberty Mutual Insurance Company, Vic Manufacturing Company and Iowa Mutual Insurance Company, Vic Manufacturing Company and Federated Mutual Insurance Company and Blue Cross & Blue Shield of Minnesota, intervenor. Workers' Compensation Court of Appeals 994

82-636 Ervin L. Abram v. Art Goebel Ford and Crum & Forster Insurance Companies, Relators, Art Goebel Ford and Fidelity & Guaranty Insurance Company, and MADA Insurance Incorporated, intervenor. Workers' Compensation Court of Appeals 994
82-586, 82-587 State of Minnesota, ex rel., Jimmy Wayne Erickson, petitioner, Appellant (82-586), State of Minnesota ex rel., Terry Lee Grey, petitioner, Appellant (82-587), v. Kenneth Felt, Clearwater County Sheriff, et al. 994
82-607 Claude Fisher, Appellant, v. State of Minnesota, Hennepin County 994
81-1371 In the Matter of the Petition for Disciplinary Action against James J. Nelson, a Minnesota Lawyer, Supreme Court 995
82-1516 In Re Petition for Disciplinary Action Against Jack R. Fena, an Attorney at Law in the State of Minnesota, Supreme Court 995

STATE CONTRACTS

Administration Department

Telecommunications Division

Evaluation on State Voice and Data Communications Networks 995

State Designer Selection Board

Architectural and Engineering Services 995

Energy, Planning and Development

Planning Division

Governor's Council on Rural Development Projects that Benefit Rural Minnesota 997

Public Safety Department

State Patrol Division

Police Staff and Command Training 997
Police Supervisory Training 998
Police Supervision Training 998

OFFICIAL NOTICES

Economic Security

Training and Community Services Division

Public Review of Final State Plan for the Use of Community Services Block Grant Funds, FY 1983 999

Energy, Planning and Development

Energy Division

Outside Opinion Sought on Rules Relating to Heat Loss, Lighting and Climate Control in the State Building Code 999

Finance Department

Maximum Interest Rate for Municipal Obligations 1000

Labor and Industry

Labor Standards Division

Notice of Prevailing Wage Rates for Commercial Construction 1000

Minnesota Public Utilities Commission

Outside Opinion Sought on Amendments to Existing Rules Governing Automatic Adjustment of Charges 1000

Public Welfare Department

Income Maintenance Bureau

Public Notice Regarding Changes in Minnesota's Medical Assistance Program 1001

Public Welfare Department

Support Services Bureau

Outside Opinion Sought on Revision of DPW Rule 3 Concerning Standards for Group-Day-Care of Preschool and School-Age Children 1002

Minnesota State Retirement System

Special Meeting, Board of Directors 1002

NOTICE

How to Follow State Agency Rulemaking Action in the State Register

State agencies must publish notice of their rulemaking action in the State Register. If an agency seeks outside opinion before promulgating new rules or rule amendments, it must publish a NOTICE OF INTENT TO SOLICIT OUTSIDE OPINION. Such notices are published in the OFFICIAL NOTICES section. Proposed rules and adopted rules are published in separate sections of the magazine.

The PROPOSED RULES section contains:

- Calendar of Public Hearings on Proposed Rules.
• Proposed new rules (including Notice of Hearing and/or Notice of Intent to Adopt Rules without A Hearing).
• Proposed amendments to rules already in existence in the Minnesota Code of Agency Rules (MCAR).
• Proposed temporary rules.

The ADOPTED RULES section contains:

- Notice of adoption of new rules and rule amendments (those which were adopted without change from the proposed version previously published).
• Adopted amendments to new rules or rule amendments (changes made since the proposed version was published).
• Notice of adoption of temporary rules.
• Adopted amendments to temporary rules (changes made since the proposed version was published).

ALL ADOPTED RULES and ADOPTED AMENDMENTS TO EXISTING RULES published in the State Register and filed with the Secretary of State before September 15, 1982, are published in the Minnesota Code of Agency Rules 1982 Reprint. ADOPTED RULES and ADOPTED AMENDMENTS TO EXISTING RULES filed after September 15, 1982, will be included in a new publication, Minnesota Rules, scheduled for publication in late summer 1983. In the MCAR AMENDMENT AND ADDITIONS listing below, the rules published in the MCAR 1982 Reprint are identified with an asterisk. Proposed and adopted TEMPORARY RULES appear in the State Register but are not published in the 1982 Reprint due to the short-term nature of their legal effectiveness.

The State Register publishes partial and cumulative listings of rule action in the MCAR AMENDMENTS AND ADDITIONS list on the following schedule:

Table with 2 columns: Issue range and Issue number. Includes: Issues 1-13, inclusive (Issue 39, cumulative for 1-39); Issues 14-25, inclusive (Issues 40-51, inclusive); Issue 26, cumulative for 1-26 (Issue 52, cumulative for 1-52); Issue 27-38, inclusive.

The listings are arranged in the same order as the table of contents of the MCAR 1982 Reprint.

MCAR AMENDMENTS AND ADDITIONS

TITLE 1 CONSTITUTIONAL OFFICES

Part 2 Secretary of State

*1 MCAR §§ 2.0101-2.1101, 2.2101-2.2115, 2.4101-2.4205, 2.5101-2.5119 (adopted) 207

TITLE 2 ADMINISTRATION

Part 1 Administration Department

2 MCAR § 1.10020 (proposed) 886
2 MCAR §§ 1.10103-1.10104, 1.10107, 1.10109, 1.10111-1.10112 (proposed) 766
2 MCAR §§ 1.16201-1.16207, 1.6220-1.6230 (repealed) 922
2 MCAR §§ 1.8001-1.8024 (proposed) 73
2 MCAR §§ 1.8001-1.8023 (proposed) 402
2 MCAR §§ 1.8001-1.8024 (notice of withdrawal) 517
2 MCAR §§ 1.8001-1.8023 (additional notice) 517
*2 MCAR §§ 1.90100-1.90904 (adopted) 174

Part 2 Employee Relations Department

2 MCAR §§ 2.001-2.004, 2.011, 2.022-2.023, 2.029-2.030, 2.038-2.042, 2.044, 2.046, 2.049, 2.056, 2.061, 2.064-2.068, 2.084-2.085, 2.088, 2.090-2.091, 2.096, 2.118, 2.179, 2.182, 2.198, 2.201-2.202, 2.205, 2.208, 2.212, 2.2121, 2.215, 2.222, 2.224-2.225, 2.227-2.231, 2.233, 2.236-2.237, 2.2371, 2.239, 2.245, 2.249, 2.2491,

2.251-2.252, 2.255-2.256, 2.2561, 2.258-2.260, 2.2601, 2.261-2.264, 2.290-2.293 (proposed repeal) 465
2 MCAR §§ 2.001-2.004, 2.011, 2.022-2.023, 2.029-2.030, 2.038-2.042, 2.044, 2.046, 2.049, 2.056, 2.061, 2.064-2.068, 2.084-2.085, 2.088, 2.090-2.091, 2.096, 2.118, 2.165, 2.179, 2.182, 2.198, 2.201-2.202, 2.205, 2.208, 2.212, 2.2121, 2.215, 2.222, 2.224, 2.227-2.231, 2.233, 2.236-2.237, 2.2371, 2.239, 2.2391, 2.245, 2.249, 2.2491, 2.251-2.252, 2.255-2.256, 2.2561, 2.258-2.260, 2.2601, 2.261-2.264, 2.290-2.293 (repealed) 989
*2 MCAR §§ 2.007, 2.009, 2.012, 2.016-2.019, 2.021, 2.024, 2.028, 2.098-2.099, 2.101, 2.106-2.111, 2.116-2.117, 2.119, 2.129-2.146, 2.150-2.153, 2.155, 2.160-2.164, 2.166-2.168, 2.170-2.172, 2.175-2.178, 2.180-2.181, 2.189-2.197, 2.203-2.204, 2.206-2.207, 2.209-2.211, 2.213-2.214, 2.216-2.221, 2.223, 2.226, 2.232, 2.234-2.235, 2.238, 2.240-2.244, 2.246-2.248, 2.250, 2.253-2.254, 2.257, 2.265-2.269, 2.275-2.282 (repealed) 278
2 MCAR §§ 2.300-2.303, 2.306-2.307, 2.311-2.312, 2.316-2.326, 2.341-2.347, 2.351-2.355, 2.361-2.370, 2.381, 2.391-2.397, 2.401-2.417 (proposed) 465

*Published in MCAR 1982 Reprint

MCAR AMENDMENTS AND ADDITIONS

2 MCAR §§ 2.300-2.303, 2.306-2.307, 2.311-2.312, 2.316-2.326, 2.341-2.347, 2.351-2.355, 2.361-2.370, 2.381, 2.391-2.397, 2.401-2.417 (adopted) 989
 2 MCAR §§ 2.308, 2.331-2.333, 2.371 (proposed) 744
 2 MCAR § 2.010 (proposed repeal) 744

TITLE 3 AGRICULTURE

Part 1 Agriculture Department

3 MCAR §§ 1.0260-1.0263, 1.0270-1.0282 (withdrawn) 344
 Agr 319-321, 323 (proposed repeal) 733
 3 MCAR §§ 1.0325-1.0326 (withdrawn) 246
 3 MCAR §§ 1.0325-1.0326, 1.0327 (Agr 322), 1.0328 (proposed) 733
 3 MCAR § 1.0388-1.0404 (proposed) 5
 *3 MCAR §§ 1.0388-1.0404 (adopted) 343
 Agr 402, 404 (proposed repeal) 5
 3 MCAR §§ 1.0543-1.0547 (proposed repeal) 78
 3 MCAR §§ 1.0543-1.0547 (repealed) 954
 3 MCAR §§ 1.0548-1.0560 (proposed) 78
 3 MCAR §§ 1.0548-1.0560 (adopted) 954
 3 MCAR §§ 1.0700-1.0706 (proposed) 976
 *3 MCAR §§ 1.4035-1.4040 (adopted) 561

Part 2 Animal Health Board

*3 MCAR § 2.005 (adopted) 257
 3 MCAR § 2.015 (proposed) 110
 3 MCAR § 2.015 (adopted) 988
 3 MCAR § 2.032 (proposed) 111
 3 MCAR § 2.032 (adopted) 988
 3 MCAR § 2.062 (proposed) 109
 3 MCAR § 2.062 (adopted) 988
 LSB 33 (proposed) 111
 LSB 33 (adopted) 988
 LSB 62 (proposed repeal) 109

TITLE 4 COMMERCE

Part 1 Commerce Department

Uniform Conveyancing Blanks to Replace Uniform Conveyancing Blanks 54-M through 57-M (Contracts for Deed) and 58-M and 59-M (Assignments of Contracts for Deed), Originals of Which Are Filed with the Secretary of State, and Copies of Which Are Set Out following Minn. Stat. Ann. Ch. 507; Creating Two New Residential Mortgage Blanks and an Affidavit of Identity and Survivorship for Death Occurring after December 31, 1979 (proposed) 33
 *Uniform Conveyancing Blanks to Replace Uniform Conveyancing Blanks 54-M through 57-M (Contracts for Deed) and 58-M and 59-M (Assignments of Contracts for Deed), Originals of Which are Filed with the Secretary of State, and Copies of Which Are Set Out following Minn. Stat. Ann. Ch. 507; Creating Two New Residential Mortgage Blanks and an Affidavit of Identity and Survivorship for Death occurring after December 31, 1979 (adopted) 562
 4 MCAR §§ 1.0100 (BD 100), 1.0101 (BD 101), 1.0102 (BD 103), 1.0103 (BD 104), 1.0104 (BD 105), 1.0105 (BD 106), 1.0106 (BD 107), 1.0107 (BD 109), 1.0120 (BD 120), 1.0121 (BD 121), 1.0122 (BD 122), 1.0123 (BD 123), 1.0124 (BD 124) (proposed) 668
 BD 102, BD 108, BD 124, BD 125, BD 126 (proposed repeal) 668
 *4 MCAR §§ 1.41500-1.41503, 1.41505, 1.41514-1.41552 (adopted) 562

4 MCAR §§ 1.9081-1.9088 (proposed) 193
 4 MCAR §§ 1.9081-1.9088 (adopted) 753
 *4 MCAR §§ 1.9120-1.9136 (adopted) 257
 4 MCAR §§ 1.9140-1.9143 (proposed) 582
 4 MCAR §§ 1.9140-1.9143 (notice of hearing) 743
 4 MCAR § 1.9142 (proposed for repeal effective Jan. 1, 1986) 582
 *4 MCAR §§ 1.9288-1.9292 (adopted) 257

Part 2 Energy, Planning and Development Department (Economic Development)

4 MCAR §§ 2.501-2.508 (proposed) 606

Part 3 Public Utilities Commission

4 MCAR § 3.0299 (proposed) 889
 4 MCAR §§ 3.0450-3.0463 (notice of hearing) 114

Part 4 Cable Communications Board

4 MCAR §§ 4.001-4.002, 4.016, 4.046, 4.061-4.062, 4.066, 4.092, 4.100, 4.133-4.135, 4.140-4.141, 4.202-4.204, 4.211-4.212, 4.215, 4.250 (proposed) 302
 4 MCAR §§ 4.240-4.243 (proposed) 730

Part 10 Cosmetology Board

4 MCAR §§ 10.002 [Temp], 10.009 [Temp]-10.010 [Temp], 10.042 [Temp]-10.043 [Temp], 10.006 [Temp] (adopted) 94
 4 MCAR §§ 10.004 [Temp], 10.021 [Temp], 10.026 [Temp], 10.028 [Temp], 10.041 [Temp] (continued) 94
 4 MCAR §§ 10.100-10.143 (proposed) 625

Part 13 Peace Officer Standards and Training Board

4 MCAR §§ 13.024, 13.026 (proposed) 342
 4 MCAR § 13.024, 13.026 (adopted) 926

TITLE 5 EDUCATION

Part 1 Education Department

EDU 142 C. (proposed temporary repeal) 48
 EDU 142 C. (proposed repeal) 600
 EDU 142 C. (temporarily suspended) 609
 EDU 143 [Temp]-EDU 146 [Temp] (proposed) 48
 EDU 143 Temp-EDU 146 Temp (adopted) 609
 EDU 143-150 (proposed) 600
 5 MCAR §§ 1.0720-1.0721, 1.0723-1.0724 (proposed) 196
 5 MCAR §§ 1.0722, 1.0725 (proposed repeal) 196
 5 MCAR §§ 1.0782, 1.0786, 1.0791 (adopted) 481
 EDU 4, 5, 6, 7, 21, 23, 40, 42, 43, 44, 45, 46, 420, 421, 422, 423, 424, 425 (proposed) 586
 5 MCAR §§ 1.0010-1.0011, 1.00201, 1.00301, 1.0036-1.0037, 1.00401-1.00402, 1.0760-1.0762, 1.07631, 1.07641, 1.07642, 1.0800-1.0805 (proposed) 586
 EDU 1, 2, 3, 4 E., 4 F., 5 D., 6 A.1., 9, 20, 21 B., 22, 23 A.4., 23 A.5., 23 B.1., 23 B.2., 30, 32 A., 32 B., 32 C., 32 D.1., 40 A.1., 40 A.2., 40 A.3.b., 40 A.4., 40 A.4.a., 40 A.4.b., 40 A.4.c., 40 A.4.c.(1), 40 A.4.c.(2), 40 A.4.c.(3), 40 A.5., 40 B., 40 C., 40 D., 40 E., 40 F., 40 G., 41, 42 B.1., 42 B.2., 42 B.3., 42 D.3., 42 D.3.a., 42 D.3.b.(1), 42 D.3.b.(2), 42 D.3.c., 42 D.3.d., 42 D.3.d.(1), 43 A.2., 43 A.2.a., 43 A.2.b., 43 A.2.c., 43 A.2.d., 43 A.3., 43 B.1.a., 43 B.1.b., 43 B.1.c., 43 B.1.d., 43 B.2., 43 C., 43 C.1., 43 C.2., 43 C.2.a., 43 C.2.b., 43 C.2.c., 45 A.2.b., 46 D., 140 A., 140 B., 141, 142, 160, 161, 162, 327, 561, 700, 702, 703, 704, 705, 706, 5 MCAR §§ 1.0761 D., 1.0762 G.3. and G.4., 1.0763, 1.0764, 1.0766, 1.0767, 1.0768, 1.0769 (proposed repeal) 586
 5 MCAR §§ 1.01031-1.01032 (proposed) 605

MCAR AMENDMENTS AND ADDITIONS

Part 3 Board of Teaching

5 MCAR §§ 3.007, 3.065, 3.0601, 3.081, 3.0831, 3.1041 (proposed)	248
5 MCAR §§ 3.007, 3.065, 3.0831 (withdrawn)	821
5 MCAR §§ 3.007, 3.065, 3.0831, 3.088 (proposed)	947
5 MCAR § 3.083 (proposed repeal)	947
5 MCAR §§ 3.061, 3.081, 3.1041 (adopted)	821
5 MCAR §§ 3.072 B., 3.091 D., 3.101, 3.102, 3.103, 3.106, 3.108, 3.114 (repealed)	821
5 MCAR § 3.104 (repealed effective July 1, 1985)	821
5 MCAR § 3.060 (repealed effective July 1, 1987)	821

TITLE 6 ENVIRONMENT

Part 1 Natural Resources Department

*6 MCAR § 1.0094 (adopted)	258
6 MCAR § 1.0200 (NR 200) (proposed)	790

Part 2 Energy, Planning & Development Department (Energy Agency)

*6 MCAR §§ 2.0108-2.0116 (adopted)	278
6 MCAR §§ 2.2501-2.2510 (adopted)	922
6 MCAR §§ 2.2502-2.2503 (proposed)	984
6 MCAR § 2.3120 (proposed)	86
*6 MCAR § 2.3120 (adopted)	344
6 MCAR § 2.4021 [Temp]-2.4034 [Temp] (continued)	344

Part 3 Environmental Quality Board

*6 MCAR §§ 3.021-3.056 (adopted)	344
*6 MCAR §§ 3.024-3.032, 3.040, 3.047 (repealed—see text)	344

Part 4 Pollution Control Agency

MPCA 3(b), MPCA 6(c), 6(d), MPCA 9(c), 9(d), 9(f), 9(j), 9(k), 9(l), 9(m), 9(o), 9(p), 9(q), 9(s), MPCA 11, MPCA 13 (proposed repeal)	312
MPCA 3(b)(1), 3(b)(2), 3(b)(3), 3(b)(4), 3(b)(5)(i), 3(b)(5)(ii), 3(b)(5)(iii), 3(b)(5)(iv), 3(b)(5)(v), 3(b)(5)(vii), 3(b)(5)(viii), MPCA 6(c), 6(d), MPCA 9(c), 9(d), 9(f), 9(j), 9(k), 9(l), 9(m), 9(o), 9(p), 9(q), 9(s), MPCA 11, MPCA 13 (repealed)	957
6 MCAR § 4.0001 (adopted)	704
6 MCAR § 4.0001 (notice of correction)	889
6 MCAR §§ 4.3001-4.3016 (proposed)	312
6 MCAR §§ 4.3001-4.3016 (adopted) (see notice for exceptions)	957
*6 MCAR §§ 4.6088-4.6099, 4.6100 (adopted)	278

Part 8 Waste Management Board

*6 MCAR §§ 8.201-8.218 (adopted)	260
6 MCAR §§ 8.401-8.412 (proposed)	791

TITLE 7 HEALTH

Part 1 Health Department

7 MCAR §§ 1.042-1.044, 1.046, 1.048, 1.053, 1.057-1.058, 1.377, 1.392 (proposed)	407
7 MCAR §§ 1.155, 1.165 (adopted)	925
7 MCAR §§ 1.210, 1.212, 1.216 (proposed)	746
7 MCAR §§ 1.217 C.4., 1.218 D. (proposed repeal)	746
7 MCAR §§ 1.239, 1.2395, 1.250, 1.255, 1.314 (proposed)	517

Part 5 Board of Nursing

7 MCAR §§ 5.1002, 5.1004, 5.1021, 5.1031, 5.1033, 5.2002-5.2003, 5.2021, 5.2030, 5.2033 (proposed)	749
7 MCAR §§ 5.1050-5.1101, 5.2040-5.2091, 5.3002 C. and D. (proposed repeal)	693
7 MCAR §§ 5.3000-5.3021 (proposed)	693

Part 8 Pharmacy Board

*7 MCAR §§ 8.004, 8.010, 8.013, 8.026-8.027, 8.032, 8.040-8.041, 8.049-8.054, 8.061, 8.071, 8.074, 8.088, 8.118 (adopted)	258
---	-----

Part 10 Psychology Board

*7 MCAR §§ 10.001-10.009 (adopted)	133
*Psych 2, 5, 8, 10-13 (repealed)	133

TITLE 8 LABOR

Part 1 Labor and Industry Department

RS 1, 15, 18-19 (proposed)	782
--------------------------------------	-----

Part 4 Economic Security Department

*8 MCAR § 4.0012 (adopted)	174
8 MCAR § 4.3012 (proposed temporary)	229

TITLE 10 PLANNING

Part 1 Planning Agency (Energy, Planning and Development Department)

10 MCAR §§ 1.500, 1.505, 1.510, 1.515, 1.520, 1.525, 1.530, 1.535, 1.540, 1.545, 1.555, 1.560, 1.565 (proposed)	87
10 MCAR §§ 1.500, 1.505, 1.510, 1.515, 1.520, 1.525, 1.530, 1.535, 1.540, 1.545, 1.550, 1.555, 1.560, 1.565 (adopted)	566

TITLE 11 PUBLIC SAFETY

Part 1 Public Safety Department

*11 MCAR §§ 1.0046-1.0048 (adopted)	207
*SafAd 49-50 (repealed)	207
11 MCAR §§ 1.2094, 1.2140 (proposed)	528
11 MCAR §§ 1.3060-1.3067 (withdrawn)	820
11 MCAR §§ 1.3071-1.3077 (withdrawn)	129
11 MCAR §§ 1.5101-1.5154 (proposed)	166
11 MCAR §§ 1.5101-1.5154 (notice of hearing)	421
Fire Mar 30-51, 4401-4404 (proposed repeal)	166
11 MCAR §§ 1.6101-1.6106 (proposed)	52

TITLE 12 SOCIAL SERVICES

Part 2 Public Welfare Department

12 MCAR §§ 2.021-2.022, 2.024, 2.063, 2.170, DPW 30 (proposed repeal)	942
12 MCAR § 2.053 (proposed repeal)	986
12 MCAR §§ 2.029, 2.0291-2.0298 (proposed)	890
12 MCAR §§ 2.0551 [Temp]-2.0554 [Temp] (proposed)	672
*12 MCAR § 2.065 (adopted)	139
12 MCAR §§ 2.202, 2.208-2.209, 2.215 (proposed)	918
12 MCAR § 2.2045 (proposed)	987
12 MCAR § 2.207 (proposed)	945
12 MCAR § 2.222 (proposed)	129
12 MCAR § 2.222 (adopted)	901
12 MCAR §§ 2.494, 2.504, 2.509, 2.840 (proposed)	536

Part 3 Housing Finance Agency

12 MCAR § 3.002 [Temp] (proposed)	11
12 MCAR § 3.002 (proposed)	165
12 MCAR § 3.002 (proposed)	246
12 MCAR § 3.002 [Temp] (proposed)	888
12 MCAR § 3.002 [Temp] (extended)	957
12 MCAR § 3.051 [Temp] (proposed)	672
12 MCAR § 3.051 [Temp] (corrected notice)	820
12 MCAR § 3.002 [Temp] (adopted)	610
12 MCAR § 3.139 [Temp] (proposed)	671
12 MCAR § 3.139 [Temp] (corrected notice)	819
12 MCAR § 3.1395 [Temp] (proposed)	670
12 MCAR § 3.1395 [Temp] (corrected notice)	819

MCAR AMENDMENTS AND ADDITIONS

TITLE 13 TAXATION

Part 1 Revenue Department

13 MCAR § 1.4006 (proposed)	899
*13 MCAR § 1.6007 (adopted)	481

TITLE 14 TRANSPORTATION

Part 1 Transportation Department

*14 MCAR §§ 1.4010-1.4016 (adopted)	207
14 MCAR §§ 1.7025-1.7037 (proposed)	202

Part 2 Metropolitan Transit Commission

14 MCAR §§ 2.001-2.006, 2.020-2.024, 2.030- 2.048 (MTC 1-6, 20-24, 30-48) (proposed repeal)	818
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PROPOSED RULES

Pursuant to Minn. Laws of 1980, § 15.0412, subd. 4h, an agency may propose to adopt, amend, suspend or repeal rules without first holding a public hearing, as long as the agency determines that the rules will be noncontroversial in nature. The agency must first publish a notice of intent to adopt rules without a public hearing, together with the proposed rules, in the *State Register*. The notice must advise the public:

1. that they have 30 days in which to submit comment on the proposed rules;
 2. that no public hearing will be held unless seven or more persons make a written request for a hearing within the 30-day comment period;
 3. of the manner in which persons shall request a hearing on the proposed rules;
- and
4. that the rule may be modified if modifications are supported by the data and views submitted.

If, during the 30-day comment period, seven or more persons submit to the agency a written request for a hearing of the proposed rules, the agency must proceed under the provisions of § 15.0412, subds. 4 through 4g, which state that if an agency decides to hold a public hearing, it must publish in the *State Register* a notice of its intent to do so. This notice must appear at least 30 days prior to the date set for the hearing, along with the full text of the proposed rules. (If the agency has followed the provisions of subd. 4h and has already published the proposed rules, a citation to the prior publication may be substituted for republication.)

Pursuant to Minn. Stat. § 15.0412, subd. 5, when a statute, federal law or court order to adopt, suspend or repeal a rule does not allow time for the usual rulemaking process, temporary rules may be proposed. Proposed temporary rules are published in the *State Register*, and for at least 20 days thereafter, interested persons may submit data and views in writing to the proposing agency.

Department of Agriculture Marketing and International Trade Division

Proposed Rules Governing Agricultural Research and Promotion Councils and the Administration of Promotional Orders (3 MCAR §§ 1.0700-1.0706)

Notice of Intent to Adopt Rules without a Public Hearing

Notice is hereby given that the Minnesota Department of Agriculture proposes to adopt the above-entitled rules without a public hearing. The Commissioner of Agriculture has determined that the proposed adoption of these rules will be noncontroversial in nature and has elected to follow the procedures set forth in Minnesota Statutes, section 15.0412, subdivision 4h (1980).

Persons interested in these rules shall have 30 days to submit comment on the proposed rules. The proposed rules may be modified if the modifications are supported by the data and views submitted to the agency and do not result in a substantial change in the proposed language.

Unless seven or more persons submit written requests for a public hearing on the proposed rules within the 30-day comment period, a public hearing will not be held. In the event a public hearing is required, the agency will proceed according to the provisions of Minnesota Statutes, section 15.0412, subdivisions 4-4f. If a public hearing is requested, identification of the particular objection, the suggested modifications to the proposed language, and the reasons or data relied on to support the suggested modifications is desired.

Persons who wish to submit comments or a written request for a public hearing should submit such comments or request to: Gerald Heil, Minnesota Department of Agriculture, 90 West Plato Boulevard, St. Paul, MN 55107, (612) 296-1486.

Authority to adopt these rules is contained in Minnesota Statutes, sections 17.54, subd. 4; 17.58, subd. 4; and 17.63. Additionally, a statement of need and reasonableness that describes the need for and reasonableness of each provision of the proposed rules and identifies the data and information relied upon to support the proposed rules has been prepared and is available upon request from Mr. Heil.

Upon adoption of the final rules without a public hearing, the proposed rules, this notice, the statement of need and reasonableness, all written comments received, and the final rules as adopted will be delivered to the Attorney General for review as to form and legality, including the issue of substantial change. Persons who wish to be advised of the submission of this material to the Attorney General, or who wish to receive a copy of the final rules as adopted, should submit a written statement of such request to Mr. Heil.

The commissioner is authorized by Minnesota Statutes, sections 17.54, subd. 4, 17.58, subd. 4, and 17.63 to adopt rules governing agricultural research and promotion councils and the administration of promotional orders. The statute requires the commissioner to establish rules for the organization of councils, conduct of meetings of the council, requirements for qualified voters and voting procedures of the councils, and for the administration of promotional orders. Thus, the rules as proposed contain provisions for the following: creation of the council; powers and duties of the council, including formulation of promotional orders, employment of personnel, and financial and other recordkeeping; notices, agendas, frequency, location,

quorum and minutes of council meetings; procedures for election of the first and subsequent council members as well as for conducting referendums; financing elections and referendums; criteria for qualified voters; procedures for voting at polling places, for mail balloting, and for bloc voting in certain instances; procedures for certifying elections and referendums; payment, collection and refund of check-off fees; procedures for noncompliance by first handlers or first purchasers; and procedures for suspending, amending or terminating promotional orders. The proposed rules also contain definitions of terms used in the rules, and a general statement of purpose and authority.

Please be advised that Minnesota Statutes, chapter 10A requires each lobbyist to register with the State Ethical Practices Board within five (5) days after he or she commences lobbying. A lobbyist is defined in Minnesota Statutes, section 10A.01, subdivision 11 (Supp. 1979) as any individual:

(a) Engaged for pay or other consideration, or authorized by another individual or association to spend money, who spends more than five hours in any month or more than \$250.00, not including his own travel expenses and membership dues, in any year, for the purpose of attempting to influence legislative or administrative action by communicating or urging others to communicate with public officials; or

(b) Who spends more than \$250.00, not including his own traveling expenses and membership dues, in any year for the purpose of attempting to influence legislative or administrative action by communicating or urging others to communicate with public officials.

The statute provides certain exceptions. Questions should be directed to the Ethical Practices Board, 40 State Office Building, St. Paul, MN 55155, (612) 296-5615.

Copies of this notice and proposed rules are available and may be obtained by contacting Mr. Heil.

December 13, 1982

Mark W. Seetin
Commissioner of Agriculture

Rules as Proposed (all new material)

3 MCAR § 1.0700 Authority and purpose.

Rules 3 MCAR §§ 1.0700-1.0706 are prescribed by the commissioner pursuant to Minnesota Statutes, sections 17.54, subdivision 4, 17.58, subdivision 4, and 17.63 to provide for the organization and meetings of commodity councils, to provide general polling procedures for elections and referendums, and to provide for the administration of promotional orders.

3 MCAR § 1.0701 Definitions.

A. Scope. For the purposes of 3 MCAR §§ 1.0700-1.0706, the terms defined in this rule have the meanings given them, and the terms "agricultural commodity," "commissioner," "cooperative," "council," "first handler," "first purchaser," "marketing year," "participating producer," "person," and "promotional order" have the meanings given them in Minnesota Statutes, section 17.53.

B. Check-off fee. "Check-off fee" means the amount set by the council and stated in the promotional order that each participating producer must pay to finance the activities proposed in the promotional order.

C. Chief administrative officer. "Chief administrative officer" means the individual employed by the council to perform duties prescribed by the council. "Chief administrative officer" means the same as "executive director," "executive secretary," and "manager" where they appear in promotional orders.

D. Compliance list. "Compliance list" means a list of the names of the first handlers or first purchasers of an agricultural commodity under a promotional order who have paid check-off fees to the council within the time prescribed by the council for their payment.

E. Designated voter. "Designated voter" means a family member who has a written authorization from an individual participating producer who is a qualified voter to vote in the individual participating producer's stead at the time and in the place where the election or referendum is being held.

F. Election. "Election" means a vote of the participating producers of any commodity to create a first council, select members of subsequent councils, or decide a referendum.

KEY: PROPOSED RULES SECTION — Underlining indicates additions to existing rule language. ~~Strike outs~~ indicate deletions from existing rule language. If a proposed rule is totally new, it is designated "all new material." **ADOPTED RULES SECTION** — Underlining indicates additions to proposed rule language. ~~Strike outs~~ indicate deletions from proposed rule language.

PROPOSED RULES

G. Fiduciary. "Fiduciary" means any estate, trust, conservatorship, or guardianship organized or recognized under Minnesota law.

H. Noncompliance list. "Noncompliance list" means a compilation of the names of the first handlers or first purchasers of an agricultural commodity under a promotional order who have not paid check-off fees to the council within the time prescribed by the council for the payment.

I. Organized area. "Organized area" means the area determined in accordance with Minnesota Statutes, section 17.54, subdivisions 3, or areas defined elsewhere in Minnesota law for the purposes of Minnesota Statutes, sections 17.51 to 17.69.

J. Petitioners. "Petitioners" means a group of producers who request either the creation of the first council or a referendum at any time during a promotional order by submitting a petition signed by 1,000 producers or 15 percent of the producers to be covered by a promotional order, whichever is less, in accordance with Minnesota Statutes, section 17.54, subdivision 1.

K. Producer affidavit. "Producer affidavit" means a document qualified voters must sign under oath which affirms that they are producers of the particular agricultural commodity for which a referendum is being held, that they meet the qualifications for a producer set forth in the promotional order, and that they are casting only one vote each in the election or referendum.

L. Proof of paid check-off fee. "Proof of paid check-off fee" means a check stub, a sales invoice, a photostatic copy of a check stub or sales invoice, or a statement on the first purchaser's or first handler's letterhead stationery signed by an officer or responsible representative of the first purchaser or first handler submitted as evidence of a producer's payment of a check-off to a first purchaser or first handler. Any proof of paid check-off fee must have a date on it.

M. Qualified voter. "Qualified voter" means a person who meets the requirements in Minnesota Statutes, section 17.53, subdivision 16, and 3 MCAR § 1.0705 A.

N. Referendum. "Referendum" means an election held to begin, continue, suspend, amend, or terminate a promotional order, or an election held to increase or decrease the amount of check-off fees under the promotional order.

3 MCAR § 1.0702 Organization of a council.

A. Creation of a council. Upon receipt of a petition to create a council developed in accordance with Minnesota Statutes, section 17.54, subdivision 1, the commissioner shall take the following actions:

1. determine the size of the council and the distribution of council membership in consultation with the petitioners;
2. appoint a nominating committee to nominate producer candidates for council positions in accordance with Minnesota Statutes, section 17.54, subdivision 3;
3. conduct an election to select the first council in accordance with 3 MCAR § 1.0704 A.; and
4. determine by lot the term of office for each of the council positions in accordance with Minnesota Statutes, section 17.54, subdivision 5.

B. Officers and executive committee. Each council shall elect from its own membership a chairman, vice-chairman, secretary, and other officers deemed appropriate by the council. An executive committee of no more than five members, including the officers, may also be elected by the council. The council officers and executive committee members shall have the powers and fulfill the duties in C. or delegate them to a chief administrative officer.

C. Powers and duties of the council.

1. The council shall convene and conduct meetings in accordance with 3 MCAR § 1.0703.
2. The council shall participate in the formulation and administration of promotional orders in accordance with 3 MCAR § 1.0706.
3. With the approval of the commissioner, the council shall appoint, employ, discharge, fix compensation for, and prescribe the duties of the first chief administrative officer of the council. Subsequent chief administrative officers and all other personnel employed do not require the commissioner's approval. The council and commissioner shall determine the amount of bond required for all individuals on the council and all individuals employed by the council who control, handle, expend, or deposit check-off fees or other funds, including those individuals authorized to sign checks.
4. The council shall take the actions listed in a.-d.

a. The council shall prepare an annual estimated budget for the operation of the promotional order and submit it to the commissioner for approval before the marketing year begins unless the promotional order directs otherwise.

(1) Budgets may be revised during the marketing year. If they are, the commissioner must be notified within 20 days of the revision. Minutes of the council meeting, documenting the changes and the reasons for them, shall constitute notification to the commissioner.

(2) Budgets or budget revisions may be prepared on forms provided by the commissioner or on similar forms.

b. The council shall consult with banks where funds are deposited regarding check signing procedures. No more than four signatures of council members, the chief administrative officer, or council employees may be provided to the bank, two of which must appear on all checks except refund checks. The council may authorize any one signature for refund checks.

c. The council shall apply for tax exempt status for the council on forms provided by the commissioner. Upon receipt of the completed forms, the commissioner shall handle the request with appropriate federal agencies.

d. The council shall complete a financial statement at the close of each marketing year on forms provided by the commissioner or similar forms.

5. A council may establish a petty cash account after a favorable vote by a majority of the council members, provided that the use of these funds is consistent with the purposes of Minnesota Statutes, sections 17.51 to 17.69 and 3 MCAR §§ 1.0700-1.0706. The bond for the council and its staff must be sufficient to cover the amounts in any petty cash accounts created pursuant to this part.

6. The council shall keep a record of the following materials and shall make reasonable arrangements for the time and place of inspection of the records by the public:

a. the council's annual budgets and financial statements;

b. annual reports on promotional order programs of the previous marketing year required under Minnesota Statutes, section 17.57, subdivision 3;

c. minutes of all council and executive committee meetings documenting all actions;

d. noncompliance lists related to the promotional order, which must be submitted to the commissioner on a semiannual basis;

e. information and data collected for the proper administration of promotional orders in accordance with Minnesota Statutes, section 17.57, subdivision 4; and

f. any other information deemed by the commissioner or council to be reasonably related to the organization of the council or to the administration of its promotional order.

7. The council may receive any donations from public or private sources for the purposes of Minnesota Statutes, sections 17.51 to 17.69, or 3 MCAR §§ 1.0700-1.0706.

8. The council may authorize the executive committee to meet as needed to handle any matter prescribed by the council. At a regularly scheduled meeting of the council, any council member may inquire into the actions taken by the executive committee. Minutes of the executive committee meetings shall be sent to all council members, the commissioner, and the commissioner's designee in accordance with 3 MCAR § 1.0703 E.

3 MCAR § 1.0703 Council meetings.

A. Notice. The chief administrative officer shall arrange dates and physical facilities for meetings of the council and executive committee after consultation with the council chairman or vice-chairman and the commissioner. The chief administrative officer shall also send written notice of the time and place of the meeting to all council members, the commissioner, and the commissioner's designee at least seven days in advance of council meetings.

B. Agenda. An agenda for each council meeting shall be formulated by the chief administrative officer in consultation with the council chairman or vice-chairman and shall be mailed with the meeting notice. Additional items may be included by council members or the commissioner at the time of the meeting.

C. Frequency and location of council and executive committee meetings.

1. The council shall meet at least four times annually in a location which is reasonably accessible to all council members. Telephone consultations are permitted, but must not replace actual meetings.

2. The executive committee shall meet as frequently as authorized by the council in a location which is reasonably accessible to all executive committee members. Telephone consultations may be held in lieu of actual meetings.

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PROPOSED RULES

D. Quorum. A majority of the members of a council constitutes a quorum for the transaction of all business in carrying out council duties.

E. Minutes. All actions and decisions taken at meetings of the council and the executive committee must be documented in the minutes. At least one copy of the minutes signed by the presiding officer and the secretary must be kept in the council's permanent file. Copies of minutes must be sent to all council members and submitted to the commissioner and to the commissioner's designee within 30 days of the date of each meeting.

3 MCAR § 1.0704 Elections.

A. Election of the first council. The procedures in 1.-3. must be followed in electing the first council.

1. Upon receipt of nominations for council offices, the commissioner shall promptly arrange for an election, designate polling places reasonably convenient for the producers of the particular agricultural commodity, and provide notice of the election to all media having a general circulation in the organized area.

2. The commissioner shall make available ballots which set forth the names of the nominated candidates and shall provide space for write-in candidates at all polling places. Mail balloting is permitted in accordance with 3 MCAR § 1.0705 C.

3. Only qualified voters may vote in an election of the first council.

B. Subsequent council elections. In addition to the procedures for electing the first council in A., the commissioner shall take the following actions in subsequent council elections:

1. determine the manner of selecting the nominating committee;

2. set the time limit for accepting nominations; and

3. set the times and places of subsequent elections.

C. Referendums. The procedures in 1.-7. must be followed in conducting a referendum.

1. The council, in consultation with the commissioner, shall set the time and places for the referendum when required under 3 MCAR § 1.0705 B.

2. The commissioner shall conduct a referendum in accordance with the general polling procedures outlined in 3 MCAR § 1.0705.

3. The commissioner shall publish a notice of the referendum, including time and place, in legal newspapers with general circulation in the organized area and shall provide notice to other media at least ten days in advance of the date of the referendum.

4. The commissioner shall provide a complete copy of the promotional order to be voted on to each county extension office in the organized areas.

5. Only qualified voters may vote in referendums.

6. The promotional order shall become effective, suspended, amended, or terminated if approved by a majority of the qualified voters who vote in the referendum.

7. If a referendum fails, the commissioner shall not conduct another referendum on any promotional order for the same agricultural commodity until one year has elapsed.

D. Financing elections and referendums.

1. Petitioners must deposit with the commissioner in advance an amount sufficient to defray the expenses of electing the first council, formulating the initial promotional order, conducting the first referendum, and issuing that promotional order. The funds will be deposited in accordance with 3 MCAR § 1.0706 G. Full reimbursement will be made to petitioners by the council when the promotional order is adopted and funds are available from the collection of check-off fees. Petitioners may choose to leave the funds from this reimbursement with the council. Partial reimbursement on a pro rata basis shall be made by the commissioner in cases where the referendum fails and there are funds remaining after the expenses of conducting it are paid.

2. Subsequent elections and referendums will be financed by the council.

3 MCAR § 1.0705 General polling procedures.

A. Qualified voters. Participating producers who may vote in any election or referendum must meet all the conditions in 1. and at least one of the conditions in 2. All qualified voters or designated voters must sign the producer affidavit at the time they vote.

1. The conditions in a.-e. apply to all qualified voters.

a. Persons, firms, universities, colleges, foundations, landlords, tenants, or fiduciaries may cast one vote only if they

have shared in the profits and risk of loss from producing the particular agricultural commodity during the current or preceding marketing year.

b. A voter, except a designated voter, even if the voter represents a corporation, association, cooperative, or partnership, must meet Minnesota's general election voting age requirements.

c. A voter must be a Minnesota resident or a permanent resident alien as defined in Minnesota Statutes, section 500.221.

d. Absentee mail voting by individual qualified voters is not permitted. Mail balloting is permitted only in accordance with C.

e. No individual, landlord, tenant, partnership, association, cooperative, corporation, fiduciary, firm, university, college, or foundation may cast more than one vote per election or referendum even if operations are carried on in more than one organized area of the council.

2. The specific provisions in a.-e. apply to the qualified voters named.

a. Each individual production unit may cast only one vote. Either the husband or the wife may cast this vote if both operate the production unit but both may not vote.

b. Both a landlord and a tenant may vote if each meets the criteria in A.1.a.

c. A partnership, whether in two or more names or in the name of a firm, may cast only one vote. The parties to the partnership must determine which one of them will cast the vote for the partnership.

d. An association, cooperative, or corporation may cast only one vote. Any officer of an association, cooperative, or corporation may cast its vote.

e. A fiduciary may cast only one vote. Only the legal guardian of a fiduciary may cast its vote, even if a husband and wife are jointly carrying on the farming operation subject to a fiduciary arrangement.

B. Balloting at polling places. The procedures in 1. and 2. must be followed whenever the commissioner determines that an election will be held at established polling places or a council determines that a referendum will be conducted at established polling places.

1. Election and referendum judges may be selected by the commissioner based on criteria established by the council, except that judges must not indicate their opinions about the election or referendum on the day of the election or referendum. Each polling place must have at least one judge. The judges are to do the following:

a. meet at the polling place at least one-half hour before voting begins;

b. assure that at least one judge remains at the polling place at all times to oversee the polling process;

c. take an oath of election judges and sign the form provided by the commissioner before the polling begins;

d. monitor the placement of ballots into the ballot box and be responsible for the overall security of the polling process;

e. have each qualified voter write the voter's name, organization, title, and county of business, when appropriate, on a producer affidavit to be provided by the commissioner and have each qualified voter sign the producer affidavit;

f. initial the back of the ballot and give it to each qualified voter provided the qualified voter has signed the producer affidavit;

g. provide each qualified voter with the voter instruction sheet provided by the commissioner;

h. collect a signed producer affidavit at the time a qualified voter places a ballot in the ballot box;

i. tabulate the results of the vote and telephone the commissioner the same day with the results;

j. complete the certification of election judges form, provided by the commissioner, after the polls have closed;

k. record each qualified voter's name, organization, title, and county of business, when appropriate, on a summary of voters form provided by the commissioner, using the signed producer affidavits; and

l. return all the voting materials listed in 2. to the commissioner.

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PROPOSED RULES

2. The election and referendum judges shall return the following voting materials to the commissioner by first class mail: completed ballots, signed producer affidavits, completed summary of voters forms, judges' oath forms, certification of election forms, and any expense vouchers. The election judges handbook must be retained by the chief judge for 30 days after the election or referendum and then destroyed. Any unused ballots, producer affidavits, or summary of voters forms must also be destroyed.

C. Mail balloting. For any election or referendum conducted by mail, the procedures in 1.-5. must be followed.

1. A council must have a current and complete list of its participating producers before an election or a referendum can be conducted by mail. The list must be submitted to the commissioner at least 30 days before the starting date of the election or referendum.

2. The commissioner shall mail to all participating producers on the council's list a ballot, a producer affidavit, a voter instruction sheet, a ballot envelope, and a return envelope.

3. The length of time for the mail balloting shall be determined by the commissioner for each election or referendum, but must not be less than 14 days and must not exceed 30 days.

4. If a participating producer of the agricultural commodity for which an election or a referendum is being conducted by mail has not received the voting materials listed in 2. by the time half of the time period in 3. has elapsed, the participating producer or the council may telephone or write the commissioner to request that the voting materials be mailed directly to the participating producer.

5. In order to be counted, mail ballots must be returned to the commissioner and must be postmarked on or before the closing date of the election or referendum set by the commissioner under 3.

D. Dairy industry referendums. The procedures in 1. and 2. must be followed in dairy industry referendums.

1. Dairy cooperative associations may choose to bloc vote their producers in accordance with Minnesota Statutes, section 17.54, subdivision 12. The commissioner shall provide the dairy cooperative association with appropriate voting materials.

2. Private dairy processors must file with the commissioner a list of their participating producers marketing the bulk of their production with the private dairy processor. The commissioner shall use this list and the procedures in C. in mail balloting producers with private dairy processors during a referendum on any dairy promotional order.

E. Certification of election or referendum. The commissioner shall follow the procedures in 1.-4. in certifying an election or referendum.

1. Before certifying an election or referendum conducted in accordance with B., the commissioner shall assure that:

- all materials required in B.2. are returned to the commissioner;
- all completed ballots are initialed on the back by an election or referendum judge, and there is no more than one vote per question on the completed ballot;
- the oath of election judges form is signed;
- all producer affidavits are signed; and
- the judges' certification of election form is signed.

2. Before certifying an election or referendum conducted in accordance with C., the commissioner shall assure that:

- returned ballots and producer affidavits have been postmarked by the closing date set in C.3.;
- there is no more than one vote per question on the ballot; and
- the producer affidavits are signed.

3. If any one of the criteria in 1.b. or 2. are not met, the commissioner shall declare the individual ballots invalid and shall not count them toward the outcome of the election or referendum.

4. An impartial committee of at least three people appointed by the commissioner shall count the ballots received from the elections or referendums conducted under B. or C.

3 MCAR § 1.0706 Administration of promotional orders.

A. Formulation. The first council shall meet within 15 days of certification of its election, and subsequent councils shall meet whenever appropriate, to formulate a promotional order, including the amount of a check-off fee to be paid by producers of the agricultural commodity to finance the proposed activities.

B. Hearings and referendum. Before any referendum is conducted, the commissioner shall consult with the council and shall

hold public hearings on the proposed promotional order in organized areas. Upon completion of the hearings, the commissioner and council shall determine whether the promotional order will be amended, modified, or supplemented. If a promotional order is substantially changed by this process, the commissioner shall hold further public hearings on the changed promotional order. Upon completion of these hearings, the commissioner shall conduct a referendum in accordance with the procedures in 3 MCAR §§ 1.0704 C. and 1.0705. The hearings in this section are not subject to Minnesota Statutes, chapter 14.

C. Payment of check-off fees. The procedures in 1.-5. must be used by the council in collecting the check-off fees from first purchasers or first handlers.

1. The council must determine the type of check-off fee system to be used for the particular agricultural commodity.
2. The council must determine the first handler or first purchaser for the agricultural commodity. First handlers or first purchasers are responsible for collecting from participating producers and remitting the check-off fee to the council by the date stated in the promotional order.
3. The council must provide forms for the first handler or first purchaser to use in collecting and remitting check-off fees.
4. The council must monitor the compliance of each first handler or first purchaser with the terms of the promotional order and maintain a compliance list. In instances where the first handler or the first purchaser is not complying with the terms of the promotional order for collecting and remitting check-off fees, the procedures in E. must be followed.
5. The council or chief executive officer must deposit check-off fees collected in a federally insured depository institution. No more than the maximum amount insured under federal law may be deposited in any single account. Deposits may be used for either checking or investment, but not for purposes inconsistent with Minnesota Statutes, sections 17.51 to 17.69, or 3 MCAR §§ 1.0700-1.0706.

D. Refund of check-off fee. The procedures in 1.-7. must be followed in refunding check-off fees.

1. Any participating producer wishing a refund of a check-off fee may telephone or write to the commissioner or request in person a refund application form to fill out.
2. The participating producer must complete the refund application form and return the original and second copy, along with a proof of paid check-off fee, to the commissioner.
3. Upon receipt of the completed refund application form and the proof of paid check-off fee, the commissioner will verify that the information on the refund application form is valid and will forward the original copy of the refund application form to the council. Requests for refunds must be received by the commissioner within the time prescribed in the promotional order for the particular agricultural commodity in order to be valid.
4. The council may proceed to write a refund check only if the check-off fee has been sent from the first purchaser or the first handler to the council. The council will retain the original copy of the refund application form and will forward the refund check to the commissioner.
5. The commissioner shall mail the refund check and the proof of paid check-off fee to the participating producer. The commissioner shall also return the participating producer's copy of the refund application form if the participating producer did not retain it.
6. Refunds will be made within 30 days of the date of the commissioner's receipt of the refund application form except when the check-off fee has not yet been received by the council. In those instances, the council shall write the first purchaser or first handler and request remittance of the check-off fee. The 30-day period begins on the date the council receives the check-off fee from the first purchaser or the first handler.
7. Requests from participating producers for refunds will not be accepted more than 12 times per calendar year.

E. Procedures for noncompliance. The procedures in 1.-5. shall be followed by the council and commissioner in determining and acting upon noncompliance by first handlers or first purchasers whose check-off fee collection is not current.

1. The council shall maintain a current noncompliance list as noted in 3 MCAR § 1.0702 C.6.d., and shall use it to determine when a first handler or first purchaser has become delinquent in collecting and remitting check-off fees, based on the remittance period provided in the promotional order.
2. Either the council or the chief administrative officer shall investigate the reason for noncompliance and make written

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PROPOSED RULES

notation of the date and individual contacted whether by a telephone call, visit, or mail. If a second contact is by mail, the letter must be certified.

3. If no response is forthcoming after three contacts have been made, the council may request that the commissioner write to the delinquent first handler or first purchaser. The council's request must be accompanied by the noncompliance list, a summary of the steps that have already been taken, and a statement of the length of the noncompliance period. The commissioner's letter must be certified.

4. At the request of the council, the commissioner may send a second letter to delinquent first handlers or first purchasers requesting compliance.

5. If there is still no response from the delinquent first handler or first purchaser after the steps in 1.-4. have been taken, the council may engage legal counsel to pursue the matter.

F. Suspension or termination of a promotional order.

1. A promotional order for an agricultural commodity may be suspended or terminated pursuant to 2. or 3. Public hearings conducted by the commissioner prior to the suspension or termination of a promotional order will not be held pursuant to Minnesota Statutes, chapter 14. No suspension or termination of a promotional order shall take effect until the end of the current marketing year.

2. After consultation between the council and the commissioner, and after a public hearing and findings by the council that a promotional order is contrary to or does not effectuate the provisions of Minnesota Statutes, sections 17.51 to 17.69, the council may suspend or terminate a promotional order with the approval of a majority of the qualified voters who vote in the referendum.

3. Within 60 days of receipt of a petition from the same number of producers required to initiate a promotional order, which includes a statement that the signatures are those of participating producers, the commissioner shall conduct a referendum in accordance with 3 MCAR §§ 1.0704 C., and 1.0705. A majority vote of the qualified voters who vote in the referendum will suspend or terminate the promotional order.

G. Commissioner's handling of funds. Fees or income received by the commissioner in the administration of Minnesota Statutes, sections 17.51 to 17.69, shall be deposited in accordance with Minnesota Statutes, section 17.59, subdivision 5.

Department of Energy, Planning and Development Energy Division

Proposed Rules Governing the Home Energy Disclosure Program and the Mandatory Energy Efficiency Standards for Residential Rental Units

Notice of Intent to Amend Rules without a Public Hearing

Notice is hereby given that the Department of Energy, Planning and Development proposes to amend the above-entitled rules without a public hearing. The commissioner has determined that the proposed amendment of these rules will be noncontroversial in nature and has elected to follow the procedures set forth in Minnesota Statutes § 15.0412, subdivision 4h (1980).

Persons interested in these rules shall have 30 days to submit comments on the proposed rules. The proposed rules may be modified if the modifications are supported by the data and views submitted to the department and do not result in a substantial change in the proposed language.

Unless seven or more persons submit written requests for a public hearing on the proposed rules within the 30-day comment period, a public hearing will not be held. In the event a public hearing is required, the department will proceed according to the provisions of Minnesota Statutes § 15.0412, subdivisions 4-4f.

Persons who wish to submit comments or a written request for a public hearing should submit such comments or request to:

Greg Hubinger, Manager of Residential Programs
980 American Center Building, 150 East Kellogg Boulevard
St. Paul, Minnesota (612) 297-2117

Authority for the amendment of these rules is contained in Minnesota Statutes § 116H.129 and 116H.08(a). Additionally, a statement of need and reasonableness that describes the need for and reasonableness of each provision of the proposed rules

and identifies the data and information relied upon to support the proposed rules has been prepared and is available from Greg Hubinger upon request.

Upon adoption of the final rules without a public hearing, the proposed rules, this notice, the statement of need and reasonableness, all written comments received, and the final rules as adopted will be delivered to the Attorney General for review as to form and legality, including the issue of substantial change. Persons who wish to be advised of the submission of this material to the Attorney General, or who wish to receive a copy of the final rules as proposed for adoption, should submit a written statement of such request to Greg Hubinger.

A copy of the proposed rules is attached to this notice.

Copies of this notice and the proposed rules are available and may be obtained by contacting Greg Hubinger.

Minnesota Statutes, chapter 10A, requires each lobbyist to register with the Ethical Practices Board within five days after he/she becomes a lobbyist. Lobbying includes attempting to influence rulemaking by communicating or using others to communicate with public officials. A lobbyist is generally any individual who spends more than \$250 per year for lobbying or any individual who is engaged for pay or authorized to spend money by another individual or association and who spends more than \$250 per year or five hours per month lobbying. The statute provides certain exceptions. Questions should be directed to the Ethical Practices Board, 41 State Office Building, St. Paul, Minnesota 55155, telephone (612) 296-5165.

December 13, 1982

Robert G. Renner, Jr.
Commissioner

Rules as Proposed

6 MCAR § 2.2502 Definitions.

A. Scope. For the purposes of 6 MCAR §§ 2.2501-2.2510, the following terms have the meanings given them.

~~B. Accessible. "Accessible" means:~~

~~1. For purposes of inspection, any area of the residence which can be evaluated with only the removal of temporary components of the structure. Temporary components include, but are not limited to, electrical plate covers, attic hatch covers, and obstructions in closets which provide access to the area of the residence to be evaluated.~~

~~2. For purposes of compliance with 6 MCAR § 2.2503, any area that can be made more energy efficient with the installation of program measures that are not determined to be economically infeasible and which area is exposed, without the removal of permanent parts of the structure.~~

C.-G. [Unchanged.]

H. Economic feasibility. For the purpose of these rules, the test of economic feasibility is met when the savings in energy procurement costs, based on residential energy costs as certified by the commissioner in the *State Register*, or on local fuel costs, exceed the cost of acquiring and installing each individual program measure and the cost of restoring the building to the condition existing immediately before the program measure was installed, as amortized over the subsequent ten-year period.

I.-U. [Unchanged.]

6 MCAR § 1.1503 Minimum energy efficiency standards.

A. [Unchanged.]

B. Enumeration. The following shall be the minimum energy efficiency standards for existing residences constructed prior to January 1, 1976. These standards shall be used as indicated in Exhibit 6 MCAR § 2.2503 A.-1.

1. [Unchanged.]

2. caulk, gasket, or otherwise seal ~~accessible~~ exterior joints between foundation and rim joist; around window and door frames; between wall and roof; between wall panels; at penetrations for utility services through walls, floors, and roofs and all other openings in the exterior envelope.

3.-5. [Unchanged.]

6. install insulation in ~~accessible~~ attics to achieve a minimum total "R" value of the insulation of R-19. If there is

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PROPOSED RULES

insufficient space for the installation of the recommended "R" value, then the recommendation by the evaluator standard shall be based on installing insulation to fill the available space, providing for appropriate ventilation.

7. install insulation in all ~~accessible~~ rim joist areas to achieve minimum total "R" value of the insulation of R-11. If there is insufficient space for the installation of the recommended "R" value, then the recommendation by the evaluator standard shall be based on installing insulation to fill the available space.

8. install insulation in ~~accessible~~ walls and floors enclosing conditioned spaces to achieve a minimum total "R" value of the insulation of R-11, when there is no insulation in a substantial portion of the exterior walls or floors over an unconditioned space. ~~Accessible~~ Walls shall include above grade foundation walls of basements, cellars, or crawl spaces. If there is insufficient space for the installation of the recommended "R" value, then the recommendation by the evaluator standard shall be based on installing insulation to fill the available space.

9. install insulation in ~~accessible~~ floors over unconditioned spaces and in rim joists to achieve a minimum total "R" value of the insulation of R-19. For slab on grade construction, insulation shall be installed to achieve a minimum total "R" value of the insulation of R-11. If there is insufficient space for the installation of the recommended "R" value, then the recommendation by the evaluator shall be based on installing insulation to fill the available space.

10.-27. [Unchanged.]

Relettering. Reletter 6 MCAR § 2.2502 C.-U. as B.-T.

Department of Public Welfare Income Maintenance Bureau

Proposed Repeal of Rule 53, Medical Assistance

Notice of Intent to Repeal a Rule without a Public Hearing

Notice is hereby given that the State Department of Public Welfare proposes to repeal the above-entitled rule without a public hearing. The commissioner has determined that the proposed repeal of this rule is noncontroversial in nature and has elected to follow the procedures set forth in Minn. Stat. § 15.0412, subd. 4.h. (1980).

Persons interested in this rule shall have 30 days to submit comment on the repeal of this rule. The repeal of this rule may not take place if the continued effectiveness of this rule is supported by the data and views submitted to the agency.

Unless seven or more persons submit written requests for a public hearing on the repeal of this rule within the 30-day comment period, a public hearing will not be held. In the event a public hearing is required, the agency will proceed according to the provisions of Minn. Stat. § 15.0412, subd. 4.-4.f.

Persons who wish to submit comments or a written request for a public hearing should submit such comments or request to:

Robert Hamper
DPW—4th Floor
Centennial Office Building
St. Paul, MN 55155
612/296-2794

Authority for the repeal of this rule is contained in Minn. Stat. § 15.0412, subd. 1, and Minn. Stat. § 256.01, subd. 2. Additionally, a statement of need and reasonableness that describes the need for and reasonableness of the repeal of this rule has been prepared and is available from Robert Hamper, DPW 4th Floor, Centennial Office Building, St. Paul, Minnesota 55155, 612/296-2794 upon request.

Before the final repeal of this rule without a public hearing, the rule proposed for repeal, this notice, the statement of need and reasonableness, all written comments received, and the final rule as repealed will be delivered to the Attorney General for review as to form and legality, including the issue of substantial change. Persons who wish to be advised of the submission of this material to the Attorney General, or who wish to receive a copy of the final rule as proposed for repeal, should submit a written statement of such request to Robert Hamper.

The repeal of this rule will not result in any additional spending for local public bodies.

The need to repeal the above-entitled rule is as follows:

The current Medical Assistance Rule 47 (12 MCAR § 2.047) was adopted on August 15, 1972. Rule 47 with subsequent amendments on May 28, 1976 and September 18, 1978, has governed the Medical Assistance Program since August 15, 1972.

Prior to August 15, 1972, Rule 53 governed the Medical Assistance Program. The Revisor of Statutes is presently compiling all state agency rules to issue a new rule book. The Revisor of Statutes was not able to locate the official documentation filed with the Secretary of State to indicate that Rule 53, Medical Assistance, was repealed on August 15, 1972 when the new Medical Assistance Rule 47 was adopted. Therefore, official action is not being taken to repeal Rule 53, Medical Assistance.

Rule 47, Medical Assistance, which presently governs the Medical Assistance Program is not affected by this repeal.

Copies of this notice and the rule to be repealed are available and may be obtained by contacting Robert Hamper.

December 7, 1982

Arthur E. Noot
Commissioner of Public Welfare

Rule as Proposed

Repealer. Rule 12 MCAR § 2.053 is repealed.

Department of Public Welfare Social Services Division

Proposed Rule Governing a State Goal for the Number of Children in Foster Care (12 MCAR § 2.2045)

Notice of Intent to Adopt a Rule without a Public Hearing

Notice is hereby given that the State Department of Public Welfare proposes to adopt the above-entitled rule without a public hearing. The commissioner has determined that the proposed adoption of this rule will be noncontroversial in nature and has elected to follow the procedures set forth in Minnesota Statutes section 15.0412, subdivision 4h (1980).

Persons interested in this rule shall have 30 days to submit comment on the proposed rule. The proposed rule may be modified if the modifications are supported by the data and views submitted to the agency and do not result in a substantial change in the proposed language.

Unless seven or more persons submit written requests for a public hearing on the proposed rule within the 30-day comment period, a public hearing will not be held. In the event a public hearing is required, the agency will proceed according to the provisions of Minnesota Statutes section 15.0412, subdivisions 4-4f.

Persons who wish to submit comments or a written request for a public hearing should submit such comments or request to:

Sandra Erickson
Department of Public Welfare
Social Services Division
4th Floor, Centennial Building
St. Paul, MN 55155
Telephone: 612/296-3250

Authority for the adoption of this rule is contained in Minnesota Statutes § 257.071, subd. 5, Laws of Minnesota 1982, Chapter 553 and Public Law Number 96-272, sections 427 and 471 (14). Additionally, a statement of need and reasonableness that describes the need for and reasonableness of each provision of the proposed rule and identifies the data and information relied upon to support the proposed rule has been prepared and is available from Sandra Erickson upon request.

Upon adoption of the final rule without a public hearing, the proposed rule, this notice, the statement of need and reasonableness, all written comments received, and the final rule as adopted will be delivered to the Attorney General for review as to form and legality, including the issue of substantial change. Persons who wish to be advised of the submission of this material to the Attorney General, or who wish to receive a copy of the final rule as proposed for adoption, should submit a written statement of such request to Sandra Erickson.

The complete text of proposed rule 12 MCAR § 2.2045 is:

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PROPOSED RULES

The Department of Public Welfare establishes the following goal: of the children who are receiving assistance under Title IV-E of the Social Security Act and for whom no judicial determination has been made that permanent foster care is the best plan, no more than 40 percent shall have begun their 25th month in placement during a given fiscal year. This goal applies to federal fiscal years beginning after September 30, 1983.

Copies of this notice and the proposed rule are available and may be obtained by contacting Sandy Erickson.

Implementation of this proposed rule will not result in increased spending for local public bodies.

December 10, 1982

Arthur E. Noot
Commissioner of Public Welfare

Rule as Proposed (all new material)

12 MCAR § 2.2045 State goal for number of children in foster care.

The Department of Public Welfare establishes the following goal: of the children who are receiving assistance under Title IV-E of the Social Security Act and for whom no judicial determination has been made that permanent foster care is the best plan, no more than 40 percent shall have begun their 25th month in placement during a given fiscal year. This goal applies to federal fiscal years beginning after September 30, 1983.

ADOPTED RULES

The adoption of a rule becomes effective after the requirements of Minn. Stat. § 15.0412, subd. 4, have been met and five working days after the rule is published in the *State Register*, unless a later date is required by statutes or specified in the rule.

If an adopted rule is identical to its proposed form as previously published, a notice of adoption and a citation to its previous *State Register* publication will be printed.

If an adopted rule differs from its proposed form, language which has been deleted will be printed with strike outs and new language will be underlined, and the rule's previous *State Register* publication will be cited.

A temporary rule becomes effective upon the approval of the Attorney General as specified in Minn. Stat. § 15.0412, subd. 5. Notice of his decision will be published as soon as practicable, and the adopted temporary rule will be published in the manner provided for adopted rules under subd. 4.

Board of Animal Health

Adopted Rule Governing Official Identification Tags and Brands

The rule proposed and published at *State Register*, Volume 7, Number 4, pages 109-110, July 26, 1982 (7 S.R. 109) is adopted as proposed.

Board of Animal Health

Adopted Amendment of Rules Governing Control of Mycoplasma in Poultry (3 MCAR § 2.032) and Salmonella Typhi-Murium Disease in Turkeys (LSB 33)

The rules proposed and published at *State Register*, Volume 7, Number 4, pages 111-112, and 113-114, July 26, 1982 (7 S.R. 111, and 7 S.R. 113) are adopted as proposed.

Board of Animal Health

Adopted Amendment of Rule Governing Control of Bovine Paratuberculosis in Minnesota (3 MCAR § 2.015)

The rule proposed and published at *State Register*, Volume 7, Number 4, pages 110-111, July 26, 1982 (7 S.R. 110) is adopted as proposed.

Department of Employee Relations

Adopted Rules Regarding the State Personnel System

The rules proposed and published at *State Register*, Volume 7, Number 14, pages 465-480, October 4, 1982 (7 S.R. 465) are adopted with the following modifications:

Rules as Adopted

Chapter One: Scope and Definitions

2 MCAR § 2.303 Definitions.

~~L. Handicapped person. "Handicapped person" means any person who has a physical or mental impairment which substantially limits one or more major life activities, has a record of such an impairment, or is regarded as having such an impairment. "Handicapped" does not include any individual who is an alcohol or drug abuser whose current use of alcohol or drugs prevents the individual from performing the duties of the job in question or whose employment, by reason of current alcohol or drug abuse, would constitute a direct threat to property or the safety of others.~~

M.-U. [Reletter as L.-T.]

Chapter Two: Classification

2 MCAR § 2.307 Class specifications. The commissioner shall ~~provide~~ make available for public inspection, and may amend, written class specifications for any class in the classification plan. Each class specification must include the class title, a general description of the scope of the work, and the knowledge, skills, and abilities an incumbent should possess in order to perform duties of the class. If a classification consists of only one position, the commissioner may use the position description as the class specification.

Definitions used in class specifications are descriptive and not restrictive, indicating the kinds of positions allocated to classes, and are not to be construed as limiting in any way or modifying the power of the appointing authority to appoint, direct, and control the work of employees. Using a particular expression or illustration of duties does not exclude other duties not mentioned that are of a similar kind or quality.

Chapter Five: Competitive Open Examinations

2 MCAR § 2.326 Explanation and appeals of examination ratings. Upon request, the commissioner shall give a candidate or his or her authorized representative an explanation of the methods used to determine an examination rating. A candidate may appeal to the commissioner in writing for reconsideration of his or her examination rating. The appeal must be received in the department within 30 calendar days of the date on the notice of examination rating and shall state the grounds for the appeal. The commissioner shall grant a review on the grounds of error, irregularity or fraud in the conduct or scoring of the examination or upon submission of additional information affecting the original rating.

If a review discloses errors, fraud, or irregularities affecting the ratings of other candidates, the review may be extended to the ratings of those candidates.

The commissioner ~~may~~ must change the rating of a candidate if additional information affecting the original rating is submitted or if an error was made in the original rating, or ~~may~~ must order a new examination or a revision to the examination for the candidate or for all competitors if an error or irregularity occurred in the conduct or scoring of the examination.

A change made in the rating of a candidate as the result of an appeal will not affect an appointment already made in good faith as the result of original ratings.

Chapter Ten: Other Means of Filling Positions in the Civil Service

2 MCAR § 2.365 Transfers from other public jurisdictions.

B. Disallowed transfers. The commissioner shall not approve the transfer of an employee to a position funded by a grant-in-aid agency program from a public jurisdiction without a federally approved merit system.

Chapter Thirteen: Social Security Rules

2 MCAR § 2.411 Sick pay.

A. Counting sick pay as wages for social security purposes. Effective January 1, 1982, payments made by the state or any political subdivision to an employee absent from work because of sickness or accident disability are wages for the first six

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ADOPTED RULES

months after the last month the employee worked. Wages include payments made by third parties, such as insurance companies, under group sickness and accident policies. Payments to an employee by either the governmental unit or a third party are excluded from wages if they are made more than six months after the last month in which the employee worked.

Repealer: The following personnel rules are repealed: 2 MCAR §§ 2.001; 2.002; 2.003; 2.004; 2.011; 2.022; 2.023; 2.029; 2.030; 2.038; 2.039; 2.040; 2.041; 2.042; 2.044; 2.046; 2.049; 2.056; 2.061; 2.064; 2.065; 2.066; 2.067; 2.068; 2.084; 2.085; 2.088; 2.090; 2.091; 2.096; 2.118; 2.165; 2.179; 2.182; 2.198; 2.201; 2.202; 2.205; 2.208; 2.212; 2.2121; 2.215; 2.222; 2.224; ~~2.225~~; 2.227; 2.228; 2.229; 2.230; 2.231; 2.233; 2.236; 2.237; 2.2371; 2.239; 2.2391; 2.245; 2.249; 2.2491; 2.251; 2.252; 2.255; 2.256; 2.2561; 2.258; 2.259; 2.260; 2.2601; 2.261; 2.262; 2.263; 2.264; 2.290; 2.291; 2.292; 2.293; 2.294; 2.295.

Department of Natural Resources

Commissioner's Order No. 2135

Regulations for the Taking of Turkeys during 1983

Pursuant to authority vested in me by law, I, Joseph N. Alexander, Commissioner of Natural Resources, hereby prescribe the following regulations for the taking of turkeys during 1983.

Section 1. DEFINITIONS.

a. Legal firearms: Only shotguns 20 gauge or larger, or muzzleloading shotguns 12 gauge or larger, using No. 4, 5 or 6 fine shot shall be used.

b. Legal bow and arrow: Bows must have a pull of no less than 40 pounds at or before full draw. It shall be unlawful to hunt turkeys with a bow and arrow while in possession of any bow drawn, held, or released by a mechanical device, except as authorized by a permit, or to hunt with any poisoned arrow or arrow with explosive tip. Arrow heads must be made of all steel barbless design, the blade or blades of high carbon steel not less than one inch wide for single two edge blade and not less than three inch circumference for three or more blades, minimum weight of all types of 110 grain. Provided, that arrow heads with blades of mill tempered spring steel containing a plastic core or ferrule, conforming to the above dimensions, and with a minimum weight of 90 grain may be used. All arrow heads used for turkey hunting shall be kept sharp.

c. Legal turkey: Any turkey with a visible beard (feathered appendage protruding from the breast, generally found only on males).

d. Drawing: Computerized random drawing to determine those who will be eligible to apply for a turkey license.

e. Agricultural or Grazing Land: Lands containing plowed or tilled fields, standing crops or their residues, or lands with a maintained fence for the purpose of enclosing domestic livestock.

Sec. 2. TURKEY HUNT DRAWING.

a. License Application Drawings: Persons desiring to hunt turkeys must take part in one of the computerized license application drawings conducted by the Department of Natural Resources. The drawings shall be subject to the quotas set forth by Sec. 5. All persons selected by the drawings may apply for a license to hunt turkeys, as set forth by Sec. 3.

b. Eligibility for Drawing: Any person who is at least 16 years of age prior to April 16, 1983, has maintained a legal residence in Minnesota for a period of 60 days immediately preceding April 16, 1983, and has not had any small game hunting privileges revoked within one year prior to February 4, 1983, may take part in the turkey license application drawings.

c. Special Landowner or Tenant Drawing: Persons meeting the eligibility requirements set forth in paragraph (b) of this section who live as landowners or tenants on 40 acres or more of agricultural or grazing land, defined by Sec. 1 of this order, which is located within any zone open to the taking of turkeys may take part in the special landowner-tenant license application drawing. This special drawing shall be subject to the following restrictions:

(1) Applicants must reside in the zone for which the application is made.

(2) For each zone and time period, not more than twenty percent of the successful participants shall be drawn from the special landowner-tenant applications.

(3) Participants in the landowner-tenant drawing may submit only one drawing application and only for the turkey zone in which they reside.

(4) Properly completed applications of participants unsuccessful in the landowner-tenant drawing will be included in the general drawing.

(5) All participants who are successful in the special landowner-tenant drawing must allow turkey hunting on their lands. The Commissioner will provide descriptions of these lands to licensed turkey hunters.

d. Participation in Drawings: All persons desiring to take part in one of the turkey license application drawings must complete either the form entitled "1983 GENERAL TURKEY HUNT APPLICATION FOR COMPUTER DRAWING" or, if appropriate pursuant to paragraph c. of this section, the form entitled "1983 RESIDENT LANDOWNER OR TENANT TURKEY HUNT APPLICATION FOR COMPUTER DRAWING" and return it to the DNR License Bureau. Applications must be returned or postmarked no later than December 10, 1982. All information requested on the forms must be provided, except that the applicant's social security number is only requested, not mandatory. The social security number will be used as an identification number only. Persons submitting the landowner-tenant form must provide a complete and accurate description of the qualifying land. All applicants must choose one of the five zones and one of the four time periods. Two or more persons desiring to hunt together may apply together by submitting their drawing applications in one envelope. Properly completed applications which are submitted in one envelope will either all be selected or none selected. Mixing landowner-tenant applications with general applications will not be permitted for purposes of applying as a party. Any person who makes a faulty application or who applies as a landowner or tenant but does not live on at least 40 acres of agricultural or grazing land or does not live within the zone applied for, will be ineligible for both the landowner-tenant drawing and general drawing.

e. Penalties: No person shall submit more than a total of one application for participation in the drawings. Any person who submits more than one application in any one year shall be ineligible to receive a turkey license in that year and shall be guilty of a misdemeanor.

Sec. 3. LICENSING AND ORIENTATION.

a. Only participants successful in a drawing will be notified.

b. An application for a turkey license, additional instructions and other information will be sent to each participant successful in a drawing.

c. Before hunting turkeys, participants successful in a drawing must:

1. Apply for and receive a 1983 turkey hunting license.

2. Purchase a 1983 Minnesota small game license.

3. Attend a turkey hunting orientation session conducted by the Department of Natural Resources. Successful applicants for 1983 need not attend a turkey hunt orientation session if they received a turkey hunting license in any previous season for taking turkeys and attended an orientation session at that time.

4. Have the turkey license validated after attending the orientation session.

Sec. 4. SEASON DATES, ZONES, HOURS AND WEAPONS.

a. Hours and weapons: Legal turkeys may be taken by licensed hunters using legal shotgun or legal bow and arrow between one-half hour before sunrise and 12:00 noon daily during the dates and within the zones described in this section.

b. Zones: Each hunter may hunt only within the zone designated on his or her license. All lands within the Upper Mississippi Fish and Wildlife Refuge are closed to the taking of turkeys.

TURKEY ZONE #1

That portion of the state lying within the following described boundary:

Beginning at the intersection of State Trunk Highway (STH) 26 and U.S. Highway 16; thence along U.S. Hwy. 16 to STH 44; thence along STH 44 to STH 76; thence along STH 76 to the southern boundary of the state; thence along the southern boundary of the state to the eastern boundary of the state; thence along the eastern boundary of the state to U.S. Highway 16; thence along U.S. Highway 16 to the point of beginning.

TURKEY ZONE #2

That portion of the state lying within the following described boundary:

Beginning at the intersection of U.S. Hwy. 61 and County State Aid Highway (CSAH) 25, Winona County; thence along CSAH 25 to CSAH 28, Winona County; thence along CSAH 28 to CSAH 31, Winona County; thence along CSAH 31 to State Trunk Highway (STH) 248; thence along STH 248 to CSAH 33, Winona County; thence along CSAH 33 to U.S. Hwy. 14;

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ADOPTED RULES

thence along U.S. Hwy. 14 to CSAH 25, Winona County; thence along CSAH 25 to CSAH 12, Winona County; thence along CSAH 12 to STH 43; thence along STH 43 to CSAH 10, Fillmore County; thence along CSAH 10 to CSAH 23, Fillmore County; thence along CSAH 23 to CSAH 18, Fillmore County; thence along CSAH 18 to CSAH 19, Houston County; thence along CSAH 19 to CSAH 4, Houston County; thence along CSAH 4 to CSAH 11, Houston County; thence along CSAH 11 to CSAH 12, Houston County; thence along CSAH 12 to STH 44; thence along STH 44 to U.S. Highway 16; thence along U.S. Highway 16 to the eastern boundary of the state; thence along the eastern boundary of the state to the northern boundary of Winona County; thence west along the northern boundary of Winona County to U.S. Hwy. 61; thence along U.S. Hwy. 61 to the point of beginning.

TURKEY ZONE #3

That portion of the state lying within the following described boundary:

Beginning at the intersection of State Trunk Highway (STH) 30 and STH 43; thence along STH 30 to U.S. Highway 52; thence along U.S. Highway 52 to Interstate Highway 90; thence along Interstate Highway 90 to County State Aid Highway 20, Olmsted County; thence along CSAH 20 to STH 30; thence along STH 30 to CSAH 1, Olmsted County; thence along CSAH 1 to CSAH 1, Fillmore County; thence along CSAH 1 to CSAH 2, Fillmore County; thence along CSAH 2 to U.S. Highway 52; thence along U.S. Highway 52 to CSAH 12, Fillmore County; thence along CSAH 12 to CSAH 23, Fillmore County; thence along CSAH 23 to CSAH 10, Fillmore County; thence along CSAH 10 to STH 43; thence along STH 43 to the point of beginning.

TURKEY ZONE #4

That portion of the state lying within the following described boundary:

Beginning at the intersection of State Trunk Highway (STH) 42 and County State Aid Highway (CSAH) 4, Wabasha County; thence along CSAH 4 to CSAH 10, Olmsted County; thence along CSAH 10 to CSAH 9, Olmsted County; thence along CSAH 9 to CSAH 22, Winona County; thence along CSAH 22 to STH 74; thence along STH 74 to U.S. Highway 14; thence along U.S. Highway 14 to CSAH 33, Winona County; thence along CSAH 33 to STH 248; thence along STH 248 to CSAH 31, Winona County; thence along CSAH 31 to CSAH 28, Winona County; thence along CSAH 28 to CSAH 25, Winona County; thence along CSAH 25 to U.S. Highway 61; thence along U.S. Highway 61 to CSAH 14, Wabasha County; thence along CSAH 14 to STH 42; thence along STH 42 to the point of beginning.

TURKEY ZONE #5

That portion of the state lying within the following described boundary:

Beginning at the intersection of U.S. Highway 61 and the southern boundary of Wabasha County; thence along U.S. Hwy. 61 to County State Aid Highway (CSAH) 14, Wabasha County; thence along CSAH 14 to STH 42; thence along STH 42 to CSAH 4, Wabasha County; thence along CSAH 4 to CSAH 33, Wabasha County; thence along CSAH 33 to CSAH 2, Wabasha County; thence along CSAH 2 to U.S. Hwy. 63; thence along U.S. Hwy. 63 to CSAH 15, Wabasha County; thence along CSAH 15 to CSAH 9, Goodhue County; thence along CSAH 9 to CSAH 6, Goodhue County; thence along CSAH 6 to STH 19; thence along STH 19 to STH 20; thence along STH 20 to CSAH 17, Goodhue County; thence along CSAH 17 to CSAH 91, Dakota County; thence along CSAH 91 to U.S. Hwy. 61; thence along U.S. Hwy. 61 to U.S. Hwy. 63; thence along U.S. Hwy. 63 to the eastern boundary of the state; thence along the eastern boundary of the state to the southern boundary of Wabasha County; thence west along the southern boundary of Wabasha County to the point of beginning.

c. Dates: The 1983 turkey season is open in all five zones during the following dates:

April 16 through 20	April 28 through May 2
April 22 through 26	May 4 through 8

Each hunter may hunt only during the five day period designated on his or her license. All dates are inclusive.

Sec. 5. QUOTAS.

The following quotas on hunter numbers are established for each zone and time period. These quotas may be subject to modification in order to accommodate party members if the last applicant to be drawn for a zone is a member of a party.

Time Period	Zone 1 Quotas	Zone 2 Quotas	Zone 3 Quotas	Zone 4 Quotas	Zone 5 Quotas
April 16—20	125	150	25	100	125
April 22—26	125	150	25	100	125
April 28—May 2	125	150	25	100	125
May 4—8	125	150	25	100	125
	500	600	100	400	500

GRAND TOTAL: 2100

Sec. 6. SPECIAL PROVISIONS.

a. **Bag Limit:** No hunter shall take more than one legal turkey. No hunter shall tag a turkey which he or she did not take. No hunter shall tag a turkey with the tag of another hunter. All turkeys taken must be killed before being removed from the site where taken.

b. **Assisting:** Any licensed turkey hunter may assist any other licensed turkey hunter in hunting turkeys. Any licensed turkey hunter who has already taken a turkey may assist any other licensed turkey hunter provided that the assisting hunter shall not carry afield any firearms or bow and arrow. Assisting shall only be done in the zone and during the time for which the assisting hunter is licensed to hunt turkeys.

c. **Tagging:** Immediately after taking a turkey, hunters must detach the tag from the license, punch date of kill, sign and attach it to the turkey with a strong cord or wire. This tag must remain attached to the turkey during transit.

d. **Registration:** Every person taking a turkey must register the turkey no later than 2:00 p.m. of the same day when taken. The feathers, head and feet must remain on the turkey until it is registered. No unregistered turkey shall be possessed outside the zone where taken unless it is being transported in a direct route to a registration station. Registration stations will be the district forestry office in Caledonia, Whitewater Wildlife Management Area Headquarters, the Lake City Forestry-Fisheries Office, and Rochester Regional Office.

e. Turkeys may not be taken with the aid of dogs. No person shall be accompanied by a dog or dogs while hunting or assisting in hunting turkeys.

f. Turkeys may not be taken with the aid of any electronic device.

g. Use of live decoys is prohibited.

h. No turkeys shall be taken in any manner in any area of the state except as herein expressly provided or as otherwise provided by statute or Commissioner's Order.

i. None of the provisions of this order shall be construed as modifying or superseding any order establishing legal game refuges within the state nor as permitting the taking of any wild animals within such refuges or within state parks.

Dated at Saint Paul, Minnesota, this 8th day of December, 1982.

Joseph N. Alexander, Commissioner
Department of Natural Resources

SUPREME COURT**Decisions Filed Friday, December 17, 1982****Compiled by John McCarthy, Clerk**

82-772 Delbert Richardson, petitioner, Appellant, v. State of Minnesota. Hennepin County.

Postconviction court properly denied petition seeking resentencing according to the Minnesota Sentencing Guidelines.

Affirmed. Amdahl, C. J.

82-891 Thomas E. Sabo, petitioner, Appellant, v. State of Minnesota. Hennepin County.

Postconviction court properly denied petition seeking resentencing according to the Minnesota Sentencing Guidelines.

Affirmed. Amdahl, C. J.

82-1047 John Glen Troyer, petitioner, Appellant, v. State of Minnesota. Stearns County.

Postconviction court properly denied petition seeking resentencing according to the Minnesota Sentencing Guidelines.

Affirmed. Amdahl, C. J.

82-1075 Danue Ervin Knight, petitioner, Appellant, v. State of Minnesota. Ramsey County.

Postconviction court properly denied petition seeking resentencing according to the Minnesota Sentencing Guidelines.

Affirmed. Amdahl, C. J.

SUPREME COURT

82-1291 Paul Bonin, Appellant, v. State of Minnesota. Washington County.

Postconviction court properly denied petition seeking resentencing according to the Minnesota Sentencing Guidelines.

Affirmed. Amdahl, C. J.

82-794 State of Minnesota v. Kenneth Octavius Wallace, Appellant. Ramsey County.

Under exception to Minn. Stat. § 609.035 (1980), a defendant who commits multiple offenses in a single behavioral incident may be sentenced to one sentence per victim if the multiple sentences do not unfairly exaggerate the criminality of the defendant's conduct.

Record supports trial court's determination that defendant committed both offenses using a firearm, and therefore the minimum term provisions of Minn. Stat. § 609.11 (Supp. 1981) applied to both.

Court may not punish a defendant for exercising his right to appeal from sentence by increasing the defendant's sentence or by remanding to trial court for that purpose.

Affirmed. Amdahl, C. J.

81-1124 State of Minnesota v. John Eugene Liljedahl, Appellant. Ramsey County.

Police did not violate defendant's Fourth Amendment rights in searching automobile in which defendant was a passenger where police reasonably believed that defendant and his companions had been planning to commit an aggravated robbery.

Crime of conspiracy is complete once an overt act has been committed in furtherance of the conspiratorial agreement; any withdrawal from the conspiracy after such an overt act has been committed may shield the defendant from criminal liability for the offense that was the object of the conspiracy but not from liability for the crime of conspiracy.

Affirmed. Yetka, J.

82-578 Classia Dunn, widow of Jackie T. Dunn, deceased employee, Relator, v. Vic Manufacturing Company and Argonaut Insurance Company, Vic Manufacturing Company and Associated Indemnity Company, Vic Manufacturing Company and Liberty Mutual Insurance Company, Vic Manufacturing Company and Iowa Mutual Insurance Company, Vic Manufacturing Company and Federated Mutual Insurance Company and Blue Cross & Blue Shield of Minnesota, intervenor. Workers' Compensation Court of Appeals.

Relator's claim for dependency compensation was not barred by Minn. Stat. § 176.66, subd. 3 (1965), in effect when employee was last exposed to the dusts claimed to have caused an occupational disease of pulmonary fibrosis.

This court's determination that relator's claim was not barred operates to reinstate findings of the compensation judge concerning which the Workers' Compensation Court of Appeals had been evenly divided.

The reinstated findings are supported by substantial evidence.

Reversed and remanded. Wahl, J. Took no part, Peterson, J.

82-636 Ervin L. Abram v. Art Goebel Ford and Crum & Forster Insurance Companies, Relators, Art Goebel Ford and Fidelity & Guaranty Insurance Company, and MADA Insurance Incorporated, intervenor. Workers' Compensation Court of Appeals.

The finding that employee sustained disablement and personal injury by reason of an occupational disease on or about October 1, 1980, is not legally erroneous and has substantial evidentiary support.

Liability for compensation due an employee who suffers an occupational disease caused by exposure to chemicals, dust, and fumes encountered in his employment can be imposed on the last insurer only if such exposure during the period of its coverage is found to have been a substantial contributing cause of the employee's disease and resultant disability.

Affirmed in part, reversed in part, and remanded. Simonett, J.

82-586, 82-587 State of Minnesota, ex rel., Jimmy Wayne Erickson, petitioner, Appellant (82-586), State of Minnesota ex rel., Terry Lee Grey, petitioner, Appellant (82-587), v. Kenneth Felt, Clearwater County Sheriff, et al.

District court properly denied habeas corpus in extradition proceeding.

Affirmed. Kelley, J.

82-607 Claude Fisher, Appellant, v. State of Minnesota. Hennepin County.

Evidence of defendant's guilt was sufficient.

Trial court did not prejudicially err in admitting evidence seized in warranted search, identification testimony, and evidence that a separately tried codefendant had confessed.

Affirmed. Kelley, J.

81-1371 In the Matter of the Petition for Disciplinary Action against James J. Nelson, a Minnesota Lawyer. Supreme Court. Attorney reprimanded and suspended. Per Curiam.

82-1516 In Re Petition for Disciplinary Action Against Jack R. Fena, an Attorney at Law in the State of Minnesota. Supreme Court. Attorney publicly reprimanded. Per Curiam. Took no part, Kelley, J.

STATE CONTRACTS

Pursuant to the provisions of Minn. Stat. § 16.098, subd. 3, an agency must make reasonable effort to publicize the availability of any consultant services contract or professional and technical services contract which has an estimated cost of over \$2,000.

Department of Administration procedures require that notice of any consultant services contract or professional and technical services contract which has an estimated cost of over \$10,000 be printed in the *State Register*. These procedures also require that the following information be included in the notice: name of contact person, agency name and address, description of project and tasks, cost estimate, and final submission date of completed contract proposal.

Department of Administration Telecommunications Division

Notice of Request for Proposals for Consulting Services to Evaluate and Make Recommendations on State Voice and Data Communications Networks

The Department of Administration is seeking qualified consultants to study and make recommendations concerning the state's current and future needs for intercity and local area voice and data communications networks.

The tasks involve determining 1) short-term optimization; 2) long-term intrastate channel alternatives; 3) local area network applications; and 4) impact of formation of Local Access and Transport Areas. Also required is an evaluation of a report of the North Central Telecommunications Consortium. To be considered, a proposal must address all tasks.

Details of the project will be contained in a Request for Proposal (RFP). To obtain a copy of the RFP, or for further information, contact:

Roger H. Nelson, Sr. Engineer
Department of Administration
Telecommunications Division
Room G-4 Administration Building
50 Sherburne Avenue
St. Paul, MN 55155
Telephone: (612) 296-6544

Estimated cost of the project should not exceed \$60,000.00.

Final date for submission of proposals is 4:30 p.m., January 24, 1983.

State Designer Selection Board

Request for Proposal

To Architects and Engineers Registered in Minnesota

The State Designer Selection Board has been requested to select a designer for the design of a Parking Ramp on the Minneapolis East Bank Campus, University of Minnesota. Design firms who wish to be considered for these projects should submit proposals on or before 4:00 p.m., January 25, 1983, to George Iwan, Executive Secretary, State Designer Selection Board, Room G-10, Administration Building, St. Paul, Minnesota 55155-1495.

The proposal must conform to the following:

1. Six copies of the proposal will be required.

STATE CONTRACTS

2. All data must be on 8½" × 11" sheets, soft bound.
3. The cover sheet of the proposal must be clearly labeled with the project number, as listed in number 7 below, together with the designer's firm name, address, telephone number and the name of the contact person.
4. The proposal should consist of the following information in the order indicated below:
 - a) Number and name of project.
 - b) Identity of firm and an indication of its legal status, i.e. corporation, partnership, etc.
 - c) Names of the persons who would be directly responsible for the major elements of the work, including consultants, together with brief descriptions of their qualifications. If the applicant chooses to list projects which are relevant in type, scale, or character to the project at hand, the person's role in the project must be identified.
 - d) A commitment to enter the work promptly and to assign the people listed in "C" above and to supply other necessary staff.
 - e) A list of design projects in process or completed in the three (3) years prior to the date of this request for agencies or institutions of the State of Minnesota, including the University of Minnesota, by the firm(s) listed in "b" together with the approximate fees associated with each project.
 - f) A section of not more than fourteen (14) faces containing graphic material (photos, plans, drawings, etc.) as evidence of the firm's qualification for the work. The graphic material must be identified. It must be work in which the personnel listed in "c" have had significant participation and their roles must be clearly described.

The proposal shall consist of no more than twenty (20) faces. Proposals not conforming to the parameters set forth in this request will be disqualified and discarded without further examination.

5. In accordance with the provisions of Minnesota Statutes, 1981 Supplement, Section 363.073; for all contracts estimated to be in excess of \$50,000, all responders having more than 20 full-time employees at any time during the previous 12 months must have an affirmative action plan approved by the Commissioner of Human Rights before a proposal may be accepted. Your proposal will not be accepted unless it includes one of the following:

- a) A copy of your firm's current certificate of compliance issued by the Commissioner of Human Rights; or
- b) A statement certifying that your firm has a current certificate of compliance issued by the Commissioner of Human Rights; or
- c) A statement certifying that your firm has not had more than 20 full-time employees in Minnesota at any time during the previous 12 months.

6. Design firms wishing to have their proposals returned after the board's review must follow one of the following procedures:

- a) Enclose a self-address stamped postal card with the proposals. Design firms will be notified when material is ready to be picked up. Design firms will have two (2) weeks to pick up their proposals, after which time the proposals will be discarded.
- b) Enclosed a self-addressed stamped mailing envelope with the proposals. When the board has completed its review, proposals will be returned using this envelope.

In accordance with existing statute, the board will retain one copy of each proposal submitted.

Any questions concerning the board's procedures or their schedule for the project herein described may be referred to George Iwan at (612) 296-4656.

7. PROJECT 8-82

Parking Ramp—Minneapolis East Bank Campus
University of Minnesota
Estimate Cost: \$2,500,000.00

a) Project Description:

The East Bank parking ramp shall be designed to accommodate approximately 600 cars within five levels of parking and a construction budget of \$2,500,000.00. The consultant for this ramp will be required to coordinate the design and operation of the ramp with the developer of the proposed University Hotel to be constructed adjacent to the site and the adjacent parking ramp A. The parking ramp will be required to accommodate reserved, contract and transient daily and hourly parking. The number of spaces assigned to each category of parking will need to be adjustable to maximize the flexibility of use.

b) Project Location:

The proposed parking ramp is to be located immediately adjacent to and north of the existing parking ramp A on

Washington Avenue S.E. between Union Street S.E. and Harvard Street S.E. The project site is currently used as a road and an open space athletic field.

c) Designer Services:

The designer will be required to prepare, in cooperation with the owner's Building Advisory Committee and for the owner's approval, schematic design presentation proposals, design development drawing and specifications and construction drawings and specification for public bidding. Construction phase services will include shop drawing reviews, construction observation and the production of a set of "as-built" drawings.

d) Fees:

The fees for the project will be negotiated on the basis of general guidelines for similar type projects.

The designer for the work will work directly for the University of Minnesota. Questions relative to this project may be referred to Clint Hewitt, Assistant Vice President for Physical Planning (telephone (612) 373-2250).

Fred W. Kegel, Jr. Chairman
State Designer Selection Board

Department of Energy, Planning and Development Planning Division Governor's Council on Rural Development

Notice of Request for Proposals for Various Projects that Benefit Rural Minnesota

The Minnesota Department of Energy, Planning and Development/Governor's Council on Rural Development (DEPD/GCRD) is seeking proposals from qualified profit or nonprofit organizations, public agencies or private corporations for projects that further the mission and objectives of the GCRD.

The GCRD will consider proposals which:

1. Are rural development oriented with short-term, measurable, high visibility pay-offs and are action-oriented as opposed to studies and plans;
2. Will use grant funds as seed money to leverage other local, private, or public resources; and
3. Have at a minimum a regional, or preferably statewide impact, or which clearly demonstrate strong potential for project replication in other rural areas of Minnesota.

Application guidelines and form may be requested and inquiries should be directed to:

Minnesota Department of Energy, Planning and Development—Planning Division
Governor's Council on Rural Development
480 Cedar Street, Room 100
St. Paul, MN 55101
(612) 296-3993

The deadline for receipt of proposals is 4:00 p.m., February 15, 1983.

Department of Public Safety State Patrol Division

Notice of Request for Proposals for Police Staff and Command Training

The Minnesota State Patrol is seeking a training institution to conduct a two-week (80 hour) "Staff and Command Training" course for first line supervisory and middle management level officers from state and local police agencies.

This course will address those Staff and Command level issues necessary to improve the effectiveness of the middle management responsibility within the police agency.

Course content will include, but not be limited to, Leadership, Organization, Inspections, Policy Development and Implementation, Allocation of Resources, Decision-Making, and Line/Staff Concepts.

This project will be presented at a location provided by the State Patrol and under contract. It is outlined in detail in the Request for Proposal (RFP) *Staff and Command*. The formal RFP may be obtained by writing or calling:

STATE CONTRACTS

Captain Roger W. Lenz
Director of Training
Minnesota State Patrol
1900 West County Road I
New Brighton, Minnesota 55112
Telephone: (612) 636-4990

The ceiling price for this course is \$10,000. The deadline for submission of proposals is 4:30 p.m., January 14, 1983.

Notice of Request for Proposals for Police Supervisory Training

The Minnesota State Patrol is seeking a training institution to conduct a one week (40 hour) "Basic Supervision Training" course for state and local agency first line police supervisors.

This course will address those basic first line supervision issues necessary to establish an effective and productive supervisory subordinate relationship.

Course content will include, but not be limited to, fundamentals of organization, supervisor-subordinate relations, development of human resources, leadership principles, and effective communications.

This project will be presented at a location provided by the State Patrol and under contract. It is outlined in detail in the Request for Proposal (RFP) *Basic Supervision*. The formal RFP may be obtained by writing or calling:

Captain Roger W. Lenz
Director of Training
Minnesota State Patrol
1900 West County Road I
New Brighton, Minnesota 55112
Telephone: (612) 636-4990

The ceiling price for this course is \$8,000. The deadline for submission of proposals is 4:30 p.m., June 1, 1983.

Notice of Request for Proposals for Police Supervision Training

The Minnesota State Patrol is seeking a training institution to conduct a one-week (35-hour) "Supervision of Field Training Officers Training" course for first line supervisory and middle management level officers from state and local police agencies.

This course will address those topics necessary to improve the effectiveness of field training programs conducted by police agencies for new recruits through more effective supervision.

Course content will include, but not be limited to, Elements of Field Training Concepts, Legal Aspects, Performance Evaluation, Adult Learning, and the Coaching Process.

This project will be presented at a location provided by the State Patrol and under contract. It is outlined in detail in the Request for Proposal (RFP) *Supervision of the Field Training Officer Program*. The formal RFP may be obtained by calling or writing:

Captain Roger W. Lenz
Director of Training
Minnesota State Patrol
1900 West County Road I
New Brighton, Minnesota 55112
Telephone: (612) 636-4990

The ceiling price for this course is \$8,000. The deadline for submission of proposals is 4:30 p.m., June 1, 1983.

OFFICIAL NOTICES

Pursuant to the provisions of Minn. Stat. § 15.0412, subd. 6, an agency, in preparing proposed rules, may seek information or opinion from sources outside the agency. Notices of intent to solicit outside opinion must be published in the *State Register* and all interested persons afforded the opportunity to submit data or views on the subject, either orally or in writing.

The *State Register* also publishes other official notices of state agencies, notices of meetings, and matters of public interest.

Department of Economic Security Training and Community Services Division

Notice of Availability for Public Review of Final State Plan for the Use of Community Services Block Grant Funds, FY 1983

Notice of the availability of the FY'83 state plan for the use and distribution of the federal Community Services Block Grant funds in Minnesota was made in the *State Register* on February 8, 1982. Written comments on the plan were accepted until March 15, 1982. A final plan was written and submitted for release of funds to the federal Department of Health and Human Services on September 1, 1982. The final plan did not differ in substance from the draft made available in February, 1982. The current continuing resolution, House Joint Resolution 599 enacted by Congress on October 2, 1982 changed certain statutory authorizing language in the Community Services Block Grant Act (P.L. 97-35). States are now required to continue a fiscal year 1982 limitation to provide 90 percent of CSBG funds during fiscal year 1983 to eligible entities as defined in Section 673(1) of this Act as amended by the Older Americans Act (P.L. 97-115). On October 29, 1982, certification was made to the federal Department of Health and Human Services that the 90 percent pass through required by Joint Resolution 599 is consistent with Minnesota's FY'83 plan for the use and distribution of funds.

Requests for a single copy of the final plan with the October 29, 1982 certification may be made to:

Office of Economic Opportunity
Department of Economic Security
690 American Center Building
150 East Kellogg Boulevard
St. Paul, Minnesota 55101
(612) 296-5756

Department of Energy, Planning and Development Energy Division

Notice of Intent to Solicit Outside Opinion on Rules Relating to Heat Loss, Lighting and Climate Control in the State Building Code

Notice is hereby given that the Department of Energy, Planning and Development, Energy Division is seeking information and opinions from sources outside the division in preparing revisions to the State Building Code, 2 MCAR §§ 1.16001-16006. The authority for these rules is contained in Minn. Stat. § 116H.12, subd 4 (1980), (Laws of Minnesota 1982, Chapter 563 Section 9).

Pursuant to this statute, the DEPD, Energy Division is considering revisions to the State Building Code, including:

1. Replacement of adoption of ASHRAE Standard 90-75 by reference with adoption of ASHRAE Standards 90A-1980 and 90B-1980, by reference with the exceptions as noted below.
2. Replacement of insulation requirements for one- and two-family dwellings in the Minnesota Building Code with the requirements of the current Department of Housing and Urban Development (HUD) Minimum Property Standards for One-Two Family Dwellings.
3. Replacement of insulation requirements for all multi-family residential structures in the Minnesota Building Code with the requirements of the current HUD Minimum Property Standards for Multi-Family Housing.
4. Modification of ventilation requirements specified by the Minnesota Building Code to conform with the requirements of ASHRAE Standard 62-1981.
5. Including the minimum requirements for water heater efficiencies of ASHRAE Standard 90A-1980, Section 7.

Any person with information, comments or questions on the subject of the proposed rules should submit them either orally or in writing before January 31, 1983. Address correspondence to:

OFFICIAL NOTICES

Department of Energy, Planning and Development
Energy Division
980 American Center Building
150 E. Kellogg Blvd.
St. Paul, MN 55101
Attn: Bruce Nelson
(612) 296-8279

The division expects to publish proposed rules in February, 1983. Written materials received will be made part of the record in the event that rules are proposed.

Department of Finance

Maximum Interest Rate for Municipal Obligations

Pursuant to Laws of Minnesota 1982, Chapter 523, Commissioner of Finance, Allan L. Rudell, announced today that the maximum interest rate for municipal obligations in the month of January will be twelve (12) percent per annum. Obligations which are payable wholly or in part from the proceeds of special assessments or which are not secured by general obligations of the municipality may bear an interest rate of up to thirteen (13) percent per annum.

The maximum interest rate for obligations authorized by resolution prior to April 1, 1982 shall be twelve (12) percent per annum.

December 17, 1982

Department of Labor and Industry Labor Standards Division

Notice of Prevailing Wage Rates for Commercial Construction

On December 20, 1982, the commissioner certified prevailing wage rates for commercial construction for each of the 87 counties in Minnesota.

A copy of the determined wage rates for Minnesota Counties may be obtained by writing to the State Register and Public Documents Division, 117 University Avenue, St. Paul, Minnesota 55155. The charges for the cost of copying and mailing are \$.50 for the first county and \$.30 for any subsequent copies of the same or other counties. For all 87 counties, the charge is \$25.00. A \$1.00 handling charge must be included for each order. As of January 1, 1983, Minnesota sales tax of 6% must be added to all orders.

A check or money order payable to the State of Minnesota must accompany each request.

Russell B. Swanson, Commissioner
Department of Labor and Industry

Minnesota Public Utilities Commission

Notice of Intent to Solicit Outside Opinion Regarding Amendments to Existing Rules Governing Automatic Adjustment of Charges

Notice is hereby given that the Minnesota Public Utilities Commission (the commission) is seeking information or opinions from sources outside the agency in preparing to promulgate amendments to its rules governing automatic adjustment of charges (Minn. Rule PSC 390-399.) The amendment of these rules is authorized by Minnesota Statutes § 216B.16, subd. 7, which authorizes the commission to permit utilities to file rate schedules containing provisions for the automatic adjustment of charges for retail utility service in direct relation to changes in federally regulated wholesale rates for energy delivered through interstate facilities or fuel used in the generation of electricity or the manufacture of gas.

The commission requests information and comments concerning the need for and nature of possible amendments to these rules. The commission has become concerned that changes in the state of the gas industry, and to a lesser extent the electric industry, necessitate a review of the existing rules and may create a need for revision. The commission considers changes such as pipeline heat-content billing, alteration of payment schedules by pipelines, the FIFO method of gas inventory, the possible

need for revision of the manufactured gas or other supplemental gas rule, and the possible need for more definitive refunding methods to be significant for this discussion. Interested or affected persons or groups may submit statements of information or comment orally or in writing. Written statements should be addressed to:

Randall D. Young, Executive Secretary
Minnesota Public Utilities Commission
780 American Center Building
160 East Kellogg Blvd.
St. Paul, Minnesota 55101

Oral statements will be received during regular business hours over the telephone by Harold Nicholson at (612) 296-7105 and in person at the above address.

All statements of information and comment shall be accepted until January 27, 1983. Any written material received by the commission shall become part of the record in the event that any amendments to the rules are promulgated.

Department of Public Welfare Income Maintenance Bureau

Public Notice Regarding Changes in Minnesota's Medical Assistance Program

Notice is hereby given to all providers and recipients of Minnesota Medical Assistance, and to the public, of a change to be made in the statewide level of reimbursement for Medical Assistance services. This change is being made because of actions taken during the 1982 Third Special Session of the Minnesota State Legislature, as set forth in Senate File 2 and House File 4. The effective date of the change will be January 1, 1983.

A copy of this notice may be reviewed at your county welfare or social services department during their usual office hours.

Written comments on the changes and suggestions for implementation may be sent to:

Health Care Program Policy Section
P. O. Box 43170
St. Paul, Minnesota 55164

Comments and suggestions received from the public may be reviewed during normal business hours at:

Health Care Program Policy Section
First Floor, Space Center
444 Lafayette Road
St. Paul, Minnesota

This notice is being published pursuant to federal regulations which govern administration of the Medical Assistance Program, 42 C.F.R. 447.205 (1981).

1. LIMIT ON PAYMENT TO LONG TERM CARE FACILITIES

Payments to all long term care providers (Skilled Nursing Facilities and Intermediate Care Facilities whose per diem rates are determined under DPW Rule 49 and Intermediate Care Facilities for the Mentally Retarded whose per diem rates are determined under DPW Rule 52) will be reduced by four percent for the period from January 1 through June 30, 1983.

The monthly payment due a long term care facility for the care of each MA recipient is calculated by multiplying the number of payable days by the per diem rate in effect for that service period. The payment due a long term care facility, using the above method, will be reduced by four percent for services provided from January 1 through June 30, 1983. The MA recipient income contribution is applied towards the payment due after the four percent reduction. MA will reimburse the long-term care facility for the difference between the payment due to the facility after the four percent reduction and the client contribution.

This payment reduction will be first reflected in the warrant issued during February, 1983, for January patient days, and continue through any warrant issued for service provided from January 1 through June 30, 1983.

2. ALL OTHER M.A. PROVIDERS

Payments to all other M.A. providers shall be reduced by four percent for services provided from January 1 through June 30, 1983, regardless of the date of payment.

The amount of the four percent reduction may not be billed or passed on to the M.A. recipient or the recipient's family.

Estimated savings for the six month period is \$5.2 million state dollars.

**Department of Public Welfare
Support Services Bureau**

**Notice of Intent to Solicit Outside Opinion Concerning Revision of 12 MCAR § 2.003
(DPW Rule 3) Concerning Standards for Group-Day-Care of Preschool and
School-Age Children**

Notice is hereby given that the Minnesota Department of Public Welfare is considering a revision of 12 MCAR § 2.003 (DPW Rule 3). This rule governs the operating of group-day-care facilities for the care of infants, toddlers, preschoolers, and school-age children in Minnesota to include licensing laws and procedures; requirements for facilities, staffing, organization and administration of the center, and records; admissions policies and procedures; programming of activities; and the health, nutrition, and safety of the children at the center. The statutory authorities for the rule are found in Minn. Stat. 245.781-245.812.

All interested or affected persons or groups are requested to participate. Statement of information or comment may be made orally or in writing. Written statements of information and comment may be addressed to:

Edward Constantine, Supervisor
Non-Residential Licensing Section
Department of Public Welfare
Centennial Office Building
St. Paul, MN 55155

Oral statement of information and comment will be received during regular business hours over the telephone at 612/296-3768.

All statements of information and comment must be received by February 1, 1983. Any written material received by the department shall become part of the hearing record.

**Minnesota State Retirement System
Special Meeting, Board of Directors**

A special meeting of the Board of Directors of the Minnesota State Retirement System will be held on Friday, January 7, 1983, at 8:30 a.m. at The Inn, 175 West Seventh Street, St. Paul, Minnesota.

The purpose of the meeting is to consider proposals for changes to the retirement plan.

STATE OF MINNESOTA
State Register and Public Documents Division
117 University Avenue
St. Paul, Minnesota 55155

ORDER FORM

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